

Memorandum in Support

COMMITTEE ON ANIMALS AND THE LAW

Animals #22

July 6, 2020

S. 7119

By: Senator Martinez

A. 8841

By: M. of A. Lupardo

Senate Committee: Domestic Animal Welfare

Assembly Committee: Agriculture

Effective Date: Immediately

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.

LAW & SECTION REFERRED TO: Section 373 of the Agriculture and Markets Law.

THE COMMITTEE ON ANIMALS AND THE LAW **SUPPORTS THIS LEGISLATION**

This bill would amend the Agriculture and Markets Law by adding a new Section 373-2a which would require that the owner or lessor (or a designee thereof) of property that has been vacated as a result of an eviction, foreclosure, forfeiture or default on a mortgage, trust deed or land sales contract, or abandonment, to inspect the property within three days of any such vacancy, for the presence of abandoned animals. In the event an animal is found, abandoned and left on the premises, the owner, lessor or their designee is required to immediately notify the dog control officer, police or agent or officer of a duly incorporated society for the prevention of cruelty to animals about the abandoned animal, for the purpose of promptly retrieving the animal or providing necessary care for such animal at the property until the animal can be retrieved. The person who encounters an abandoned animal pursuant to this new paragraph will not be deemed the owner, possessor or person having charge or custody of the animal.

Any property owner or lessor, or their designee, who fails to comply with the requirements of this new paragraph will be subject to a civil penalty of up to \$500 for a first offense and up to \$1,000 for a second offense and each subsequent offense thereafter. Funds collected pursuant to this paragraph shall be deposited into the animal population control fund established pursuant to section ninety-seven-xx of the State Finance Law.

The circumstances surrounding a person's vacatur of their home are likely to be some of the most distressing that an individual faces in their lifetime. For that reason, these circumstances can lead an individual to make desperate decisions about their pets which, without intervention, could lead to dire consequences for the abandoned pets. Requiring the property's owner or

lessor, or their designee, to complete an inspection of the property within three days of an individual's vacatur could, with minimal inconvenience to such individual, provide potential life-saving intervention for abandoned pets. The responsibility for the removal and care of the abandoned pet would remain with control officers, police officers or officers of societies for the prevention of cruelty to animals and this legislation would require only the inspection of the home and notification of the proper authorities.

Generally, even healthy pets will begin to suffer negative health effects from lack of water after only a couple of days and from lack of food in less than a week. By requiring that the inspection occur within three days of an individual's vacatur, it is likely that abandoned pets will be located and life-saving measures taken, before they suffer the effects of dehydration or starvation, which may often be fatal.

This law largely mirrors a Massachusetts law which took effect in 2018.

For the foregoing reasons, the NYSBA's Committee on Animals and the Law **SUPPORTS** the passage and enactment of this legislation.