



## Memorandum in Support

### COMMITTEE ON ANIMALS AND THE LAW

Animals #15

April 25, 2023

S.6365

By: Senator Hinchey

A.2881

By: M. of A. Lupardo

Senate Committee: 1<sup>st</sup> Report

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 subdivision 2-a to Section 373 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 the time of becoming aware of such vacancy or within three days of when s/he should have become aware of the 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 provision 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 provision 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 animal control officers, police officers or officers of the society for the prevention of cruelty to animals and this legislation would require the owner or lessor only to make the inspect the home and notify the proper authorities if an animal is found.

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 Committee on Animals and the Law **SUPPORTS** the passage and enactment of this legislation.