



Legislation Text

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Int. No. 1496-A

By Council Members Brannan, Holden, Moya, Yeger, Cumbo, Powers, Kallos, Lander, Eugene, Ayala, Deutsch and Rosenthal

A Local Law to amend the administrative code of the city of New York, in relation to retrieval of companion animals by an animal shelter after an eviction or order or judgment granting legal possession

Be it enacted by the Council as follows:

Section 1. Section 17-802 of the administrative code of the city of New York is amended by adding a new subdivision c-1 to read as follows:

c-1. “Companion animal” means any dog or cat, and also means any other domesticated animal normally maintained in or near the household of the owner or person who cares for such other domesticated animal. “Companion animal” does not include a farm animal as defined in section 350 of the agriculture and markets law or a wild animal as defined in section 161.01 of the New York city health code.

§ 2. Chapter 8 of title 17 of the administrative code of the city of New York is amended by adding new sections 17-818 and 17-819 to read as follows:

§ 17-818 Animals discovered during eviction or action taken pursuant to any order or judgment granting legal possession. An animal shelter directed by a sheriff or city marshal executing a warrant of eviction or any order or judgment granting legal possession to retrieve a companion animal from such premises shall retrieve such companion animal as expeditiously as possible after receiving such direction.

§ 17-819 Civil cause of action for persons denied possession of companion animals.

a. Except as provided in this section or as otherwise provided by law, any person claiming to be denied possession of their companion animal by a landlord still in possession of such companion animal after the

execution of a warrant of eviction or action taken pursuant to any order or judgment granting legal possession shall have a cause of action against such landlord in any court of competent jurisdiction for any or all of the following relief:

1. Compensatory and punitive damages;
2. Injunctive and declaratory relief;
3. An order of seizure pursuant to article 71 of the civil practice law and rules;
4. Attorney's fees and costs.

b. No person shall be liable under this section if a companion animal is received by its owner or by an animal shelter, animal rescue group or any animal care and control organization approved or designated by or acting on behalf of the department within three days of the warrant of eviction or action taken pursuant to any order or judgment granting legal possession.

c. Nothing in this section shall be construed to create a cause of action against:

1. The city of New York, or any agency, officer, employee, or agent thereof, including, but not limited to, any city marshal;
2. The state or any county or any municipality of New York or any agency, officer, employee or agent thereof;
3. The United States, or any other officer, employee or agent thereof; or
4. Any animal shelter, animal rescue group, or animal care and control organization approved or designated by or acting on behalf of the department, or any officer, employee or agent thereof.

§ 3. This local law takes effect 30 days after it becomes law.