



Testimony

of

**Daniel Kass, MSPH  
Deputy Commissioner, Division of Environmental Health**

**New York City Department of Health and Mental Hygiene**

before the

**New York City Council Committee on Health**

on

**Oversight: Examining Strategies for Increasing Live Outcomes  
at Animal Care and Control**

June 7, 2013  
250 Broadway, 14<sup>th</sup> Floor  
New York, NY

Good morning, Chairwoman Arroyo and members of the Health Committee. My name is Daniel Kass, and I am the Deputy Commissioner for the Division of Environmental Health at the New York City Department of Health and Mental Hygiene. On behalf of Commissioner Farley, I want to thank you for the opportunity to testify today. Testifying with me today is Risa Weinstock, who I am pleased to announce has been selected unanimously by the Board of Directors to be the Executive Director of Animal Care and Control of New York City.

As you know, the Health Department is responsible for promoting and protecting human health, including prevention, discovery, and intervention in cases of animal-borne diseases. Our animal-related work includes: issuing state-mandated dog licenses; permitting and inspecting animal handling facilities such as animal boarding facilities and pet grooming facilities; licensing and evaluating the conditions of horses working in the commercial riding and carriage industries and issuing permits to boarding stables; receiving and responding to reports of animal bites; and enforcing dog leash and rabies vaccination laws and investigating animal nuisance complaints. We monitor both wildlife and domestic animals for diseases, such as rabies, that can impact human health, and issue permits for the exhibition of wild and exotic animals.

The Department manages and cares for the City's population of homeless animals, whether owner-surrendered, abandoned or lost. The services we are responsible to provide, either directly or under contract to the nonprofit organization Animal Care & Control of New York City (AC&C), include: receiving stray, unwanted, dangerous, sick and wild animals; sheltering of animals; providing medical services including examination, treatment, vaccination, spay/neuter and micro-chipping; and placement of animals via fostering, rescue partner organizations, returns to owners and direct adoption.

Over the last 10 years, and thanks to the strong support of the City Council, the Department and its contractor, AC&C, have greatly improved the services provided in the City's animal shelters. The improvements are ongoing, and there are notable developments even since this April, when Risa and I last sat before this Committee. Under Ms. Weinstock's leadership as Interim Executive Director, AC&C has seen dramatic growth in hiring and retention of staff, as well as improvements in animal care, facility maintenance, and customer service provided to New Yorkers seeking to adopt pets from the shelter. Her appointment will solidify these gains, and continue the expansion plan agreed to under Local Law 59. It is clear that the Department and AC&C are on target to meet all of the milestones toward full compliance in 2015.

With the support of the Council, AC&C's budget will have gone from \$7.16 million in fiscal year 2011 to \$12.72 million by fiscal year 2015 – a 77 percent increase. As a significant measure of the improvement at AC&C, its percentage of animals released has gone up substantially since 2008. In the past five years, the placement rate for cats and dogs has risen from just over half to two-thirds. Much of the improvement in animal placement is due to the strong partnerships AC&C has developed and maintained with animal rescue groups and the excellent work these groups do to find new homes for animals. More than 19,000 dogs and cats, about 73 percent of AC&C's placed animals, were placed by rescue partners in 2012. Ms. Weinstock will provide details about these partnerships, and about the expansion of AC&C's own in-house adoption program.

The rate of euthanasia has also declined significantly, as a result of the increased placement rate and the decline in intake that we described in April. Between 2007 and 2012, there has been a 50 percent reduction in the number of animals euthanized, and New York City's municipal shelter system now has the lowest euthanasia rate of any large U.S. city but one.

Under Ms. Weinstock's strong leadership, and with the increase in staff made possible by the Council's support, services have increased dramatically in the shelters and in the field. The Queens Receiving Center has increased its hours from two to five days a week in fiscal year 2013, and the Bronx Receiving Center is now open five days per week, up from three in fiscal year 2012. Field services have been expanded from five to seven days per week over the last year, and adoption and placement capacity has increased as well.

To support these improvements at AC&C, the City is actively pursuing state legislation to allow the Council to set dog license fees, just as other localities around the state are permitted to do. The fee for unaltered dogs, last revised in the early 1970s, no longer even pays for the cost of issuance, let alone offset the cost of animal care, control and sheltering, as intended. We want to thank the Council for the resolution in support of this important bill.

The Department has been asked to comment on the bill to establish a registry of those convicted of animal abuse crimes. This bill has an important goal, which is to prevent those convicted of animal abuse crimes from subsequently acquiring new animals. AC&C already takes steps to ensure that animals are adopted appropriately and not placed with convicted animal-abusers, which Ms. Weinstock can explain in further detail. However, while the Department appreciates the goals of the bill, we have several significant concerns that prevent the City from supporting it.

This bill would require the Health Department to establish and maintain an electronic registry of criminal convictions of offenders of various animal abuse related crimes. The Department is not a criminal justice agency, and has no experience accessing and managing the legal issues concerning arrest and conviction data available to criminal justice and law enforcement agencies.

The bill further requires annual, in-person contact between Health Department staff and convicted animal abusers. Because the Department has no authority to require or receive data from state or federal criminal justice databases to populate a registry with names, the bill puts the onus on the convicted person to report his or her status to the Department. The roles of creating and maintaining a criminal registry would be more appropriately placed with law enforcement or criminal justice agencies, which more typically perform the roles of interviewing and investigation persons with criminal histories. These organizations have access to other databases, and can make sure that people are in fact reporting.

Creating this registry, which would have to be continuously accessible to staff of the Department and the shelters, all the while maintaining privacy and confidentiality needs, would be an expensive undertaking for which there is no current source of funding. The requirement that our agency create a system to hold in-person meetings with registrants on an annual basis,

and verify personal identity information, is an expensive and resource-draining undertaking that would divert staff from other pressing responsibilities which we are mandated to undertake.

The bill places a burden only on shelters to prevent convicted animal abusers from adopting animals; it is unlikely, however, to address this issue that it seeks to correct – as we know that more animals are adopted from animal rescue groups, out-of-state establishments, or purchased from breeders and pet shops. Additionally, it would prohibit anyone required to register -- including people moving to New York from other parts of the state, or elsewhere in the country or the world -- from owning a dog or cat. Because we do not and cannot know who these people may be, we have no way of evaluating compliance and non-compliance.

In summary, because the magnitude of the problem of animal cruelty as measured by the number of convictions is small, and the bill requires individuals to self-identify, and does not cut off a supply of animals beyond the shelter system, we believe that the bill would be ineffective in achieving its goals.

We want to thank Speaker Quinn and the Council for their strong support of the animal shelter system and the opportunity to testify today. After Ms. Weinstock testifies, I will be happy to take any questions.



THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS<sup>®</sup>

Michelle Villagomez  
NYC Legislative Director

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American Society for the Prevention of Cruelty to Animals

*Hearing before the New York City Council's Committee on Health*

June 7, 2013

Good morning. I am Michelle Villagomez, New York City Legislative Director for the American Society for the Prevention of Cruelty to Animals (ASPCA). On behalf of the ASPCA and its over 32,000 New York City supporters I would like to thank the Council and the Health Committee for holding this hearing to discuss legislation at the state and local level which would impact New York City's animals and the people that care for them.

The ASPCA supports the State Legislation Resolution requesting the New York State to pass A. 2046/S. 5048, introduced by Assemblymember Kavanagh and Senator Serrano, which would amend current laws relating to animal control, the animal population control fund, and licensing animals in New York City. We have been a proponent of the legislation on the state level as well.

The ASPCA supports programs that provide incentives to the public to spay/neuter their companion animals. We previously supported legislation at the state and local level that would allow the City Council to raise the license fee for an unaltered dog with the differential going to fund the Animal Population Control Program which provides low income New Yorkers access to spay/neuter services. We have also advocated for mandating licensing at "point of transfer"- i.e. adoption or sale, as well as authorizing veterinarians, humane societies, shelters, pet shops, boarding, grooming and training facilities (those facilities required to have a permit to do business pursuant to section 161.09 of the NYC Health Code) to sell dog licenses. This bill does just that. It would also modernize New York City's outdated dog licensing laws and establish a dedicated revenue stream for its Animal Population Control Program. Specifically, this legislation allows New York City to set its base license fee and would create revenue for our animal population control fund with three-quarters of each monetary penalty collected for violations being designated to the fund.

This legislation presents New York City with an opportunity to easily invest in its animal care and control program, however, in order to maximize on the potential revenue we have to work to increase compliance with the dog licensing requirement, which has declined in recent years. The city should look towards designing better compliance incentives. We believe that if presented with options and greater access to licensing, as well as a confidence that part of the fee will go towards helping fund AC&C programs- people will license their dogs. Currently there is little incentive because while the threat of a fine exists for unlicensed dogs, summonses are rarely issued. We look forward to providing helpful and creative input when the Council considers restructuring the licensing protocol/ fee schedule.

We think, prior to acting on the abuse registry concept, it would be advisable for the Council to conduct a study of the jurisdictions that have enacted registry laws (i.e. Suffolk, Rockland, Albany) in order to determine how their experiences in creating, maintaining, and enforcing their registry laws might inform our dialogue. The Council should examine the feasibility and efficacy of implementing such a registry in New York City, to be sure this is a productive approach.

The ASPCA strongly supports efforts to raise awareness of the seriousness of animal abuse and neglect as a significant crime and to publicize the connection between animal cruelty and other forms of violence. However, we have questions about the concept of animal abuse registries because we know of no evidence that they can achieve their purported aim, and we worry that they may instead unwittingly do more harm than good. There are serious practical issues surrounding the concept of animal abuser registries, including the risk that having animal cruelty crimes associated with a long-term abuser registry could inadvertently decrease the prosecution of such offenses, that registries overlook the importance of addressing mental health issues often seen in animal cruelty offenders, and that properly maintaining an

abuser registry requires that there is a uniform, centralized tracking of animal crimes, which currently does not exist.

We recommend that before further action is taken, the Council undertake a comprehensive study of animal abuser registries. In addition, we urge lawmakers to sponsor legislation that creates stronger laws to protect animals, increases ability to enforce existing laws, and augments funds for animal programs aimed at prevention.



THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS <sup>1</sup>

Cori Menkin  
Senior Director, Puppy Mills Campaign

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American Society for the Prevention of Cruelty to Animals

*Hearing before the New York City Council's Committee on Health*

June 7, 2013

Good Morning. I am Cori Menkin, Senior Director of the Puppy Mills Campaign for the American Society for the Prevention of Cruelty to Animals. As part of my role at the ASPCA, I oversee the ASPCA's No Pet Store Puppies campaign, which urges consumers to take a pledge not to buy anything in pet stores or on websites that sell puppies. The ASPCA believes that most pet store puppies come from puppy mills, and so we urge the public not to financially support pet stores that hold up the cruel puppy mill industry by selling puppies. A puppy mill is a large-scale commercial dog breeding operation where profit is given priority over the well-being of the dogs. Puppy mills usually house dogs in overcrowded and unsanitary conditions, without adequate veterinary care, food, water, and socialization.

I urge you to support this resolution in support of A740/S3753, which would repeal the provisions of both the Agriculture and Markets Law and General Business law that prevent local governments from exercising their home rule powers to regulate breeders and pet stores. We have received numerous inquiries from local governments regarding the ability to go above and beyond the state laws regulating pet dealers, but unfortunately, New York State remains the only home rule state in the nation to our knowledge that expressly prohibits its towns and cities from acting locally to regulate this industry beyond the state's ineffective Pet Dealer law.

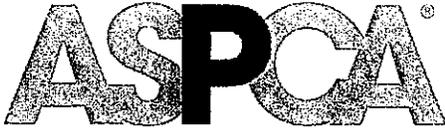
For over a decade, this weak law and its erratic enforcement has failed to protect dogs in the state's many commercial breeding facilities. State regulators have only ever licensed an average of about 100 breeders since the program began in 2002. This does not even begin to acknowledge the full scope of those selling animals to the public that should be licensed and are currently doing so illegally and without paying income taxes on sales. While offering a very basic care standard, the existing law allows dogs to be kept in cramped, wire-floored cages only six inches longer than the dog in each direction. These cages can legally be stacked one on top

of the other, allowing for overcrowding and creating problems with ventilation, light, and even the dripping of waste from upper cages to those below. Breeder dogs at mills might spend their entire lives outdoors, exposed to the elements- or crammed inside filthy structures where they never get the chance to feel the sun or a gust of fresh air on their faces. Their puppies, often purchased in pet stores or online sometimes go into their new homes with diseases, parasites or congenital and hereditary conditions.

In addition, New York's pet stores – regulated under the same law that licenses commercial dog breeders – overwhelmingly sell puppies from inhumane, out-of-state puppy mills. The vast majority of puppies sold in these stores come directly from USDA-regulated wholesale brokers who get their puppies from massive breeding facilities across the United States, some of which have a long history of egregious violations of the federal Animal Welfare Act. That means that even the very minimal standards required by the federal law are not being met.

Who pays for this? Besides the dogs bred and sold into this virtually unregulated system, it is ultimately the public. Our local governments and not-for-profit animal shelters absorb the costs associated with the unlicensed breeders and unwanted pet store dogs through cruelty seizures, sheltering costs, and legal proceedings.

This legislation would not replace or compromise the state's existing authority over such businesses, but would allow local governments the option for greater local control and management if desired in their communities. It is for all these reasons that we urge the Council to call upon the NYS legislature to pass and the Governor to sign A. 740/ S. 3753.



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Allison Cardona, Director Cruelty Intervention Advocacy Program

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American Society for the Prevention of Cruelty to Animals

*Hearing before the New York City Council's Committee on Health*

**June 7, 2013**

Good morning. My name is Allison Cardona and I am the Director of the ASPCA's Cruelty Intervention Advocacy Program, as well as the Animal Planning Task Force liaison to OEM. I would like to thank the Council for holding this oversight hearing to examine current trends for increasing live outcomes in animal shelters.

Aside from increasing funding to AC&C and building shelters in the Bronx and Queens, one of the simplest things the city could do to help shelters achieve improved outcomes for animals is to promote a reasonable pet policy through legislation and advocacy. One of the most heart-breaking calls we at the ASPCA must take is from tenants who are forced to relinquish their pet due to no-pet provisions in their lease. These tenants must make the agonizing choice of relinquishing their animal to an already overburdened shelter system, or risk losing their home. No responsible person should have to make this choice. In fact, of the animals that are brought into the shelter system, many are surrendered because the person lives in a building without a pet policy. The problems created by a lack of pet friendly housing options was most recently brought to the forefront of our work in the aftermath of Hurricane Sandy. During Sandy we encountered many housing related obstacles to reunifying people and their pets. Affordable pet friendly housing in NYC is challenging under normal circumstances, particularly for owners with large dogs. After the hurricane, pet friendly housing was even more limited. Landlords created barriers including unrealistic pet deposits and breed restrictions and generally became more restrictive toward pets. Rent scams were commonplace and took advantage of desperate pet owners.

No-pet policies in multiple dwellings is a leading factor causing the euthanasia of healthy, adoptable animals and is preventing New York City from increasing live outcomes in animal shelters. In addition, the ASPCA's adoptions department must deny untold numbers of potential adopters an animal due to no-pet provisions in their leases. We have long been an advocate for pet-friendly housing in New York City, supporting needed legislation like Intro. 392, which would clarify the rights of pet owners in multiple dwellings as well as opposing breed specific bans and weight restrictions.

We urge you to work with your colleagues in the Council to advance Intro. 392, which clarifies the Pet Law, a law passed to keep landlords from using no-pet clauses that were never previously enforced as a pretext for evicting rent-regulated tenants who keep pets. The Pet Law established that unless a landlord enforced such a clause within three months of the acquisition of the pet, the landlord has waived the right to enforce the clause.

Unfortunately, some judges interpreted this waiver to apply only to the pet or pets in residence when the clause is waived, and this has put many tenants in the crosshairs of landlords which move to evict longtime pet owners when they adopt a new cat or dog.

We also would like the Council to take a stand against the overly restrictive pet policy that the New York City Housing Authority has implemented. NYCHA's revised pet policy reduces the permissible weight for full-grown dogs from 40 to 25 pounds and restricts specific breeds, including Pit Bulls, Rottweilers, and Dobermans, either pure- or mixed-breed. These rules are contrary to good public policy, failing to make the NYCHA community safer while compelling relinquishment and euthanasia of friendly, well-behaved dogs belonging to NYCHA residents, and largely foreclosing housing opportunities to the City's shelter dogs. This policy affects more than just the banned breeds; many breeds exceed that arbitrary weight including beagles, cocker spaniels, and others.

New Yorkers love their pets. By overwhelming majority we are apartment dwellers, whether it's a private rental or public housing. With near-zero vacancy rates and prohibitive real estate prices, most of us don't have a lot of housing alternatives. Promoting pet-friendly legislation, regulations, and incentivizing landlords to take pets would help us find more homes for animals, result in fewer animals being abandoned on our city streets, and reduce admissions into the shelter system, thus reducing pet euthanasia. If the city were to embrace a pet friendly housing strategy, it would allow the ASPCA, AC&C, and other humane organizations in New York City to continue to place healthy animals into desperately needed homes for the thousands of animals in their care. New York City should recognize what millions of New Yorkers with pets know - that pets are members of the family.

We will continue to advocate for pet-friendly housing for all New Yorkers, and stand ready to assist the Council to make this a reality. Thank you.

New York City Council, Committee on Health hearing

“Improving Live Outcomes at Animal Care and Control”

Comments of Dep. DA Dianne E. Malone on behalf of Charles J. Hynes, District Attorney,  
Kings County

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On behalf of Charles J. Hynes, District Attorney of Kings County, I want to thank the Chair and the committee members for inviting me here today to speak on these important resolutions.

I want to turn direct my comments to the legislation proposed by City Councilman Vallone for the establishment of a NYC animal abuse registry sited within the New York Department of Health.

As head of District Attorney Hynes’s animal abuse unit, I work with the dedicated humane law enforcement professionals of the ASPCA and ACC every day to investigate and prosecute allegations of animal abuse, neglect and cruelty. Unfortunately, many people believe that criminal prosecution of animal abuse and neglect is not a good use of limited prosecutorial and judicial resources. District Attorney Hynes clearly differs and he firmly supports the work of the animal abuse unit, and the work of the local humane law enforcement officers.

Some people may wonder why District Attorney Hynes would choose to devote scarce resources to the investigation and prosecution of crimes of violence against animals. After all, some many opine, there are far more serious cases to focus scarce resources on other than cases involving cats being set on fire or dogs being trained to fight. This dismissive attitude towards cases involving animal abuse is both uninformed and short-sighted. Social scientists have established that there is a link between the commission of acts of animal abuse and other violent

crimes. Studies performed with violent and nonviolent criminal samples revealed that higher levels of behavioral aggression are found in those who had committed acts of animal cruelty during childhood.

For example, in 1997, researchers from Northeastern University reviewed the files of the Massachusetts Society for the Prevention of Cruelty to Animals and located the records of 153 individuals (146 males and 7 females, age range 11–76 years) who had been prosecuted for intentional physical cruelty to animals (not passive forms of cruelty such as neglect, though I want to be clear that passive neglect such as a failure to feed or provide necessary medical care can and does cause incredible pain and suffering to the animals and is also likely to result to death or serious injury). A comparison group of 153 individuals (matched for age, gender, and socioeconomic status, but with no record of any cruelty-to-animal complaints) was selected from the same neighborhoods in which those who had been prosecuted resided. The State's criminal records were reviewed for each individual in both groups. Any adult arrests for violent, property, drug, or public order offenses were noted. Researchers found that individuals prosecuted for animal abuse were more likely to have an adult arrest in each of the four crime categories than the comparison group members. The differences between percentages for abusers and non-abusers were highly significant for all four types of offenses. 70% of all animal abusers had committed at least 1 other crime and 40% had committed violent crimes against human victims. The study also determined that a history of animal abuse was found in 25% of male criminals, 30% of convicted child molesters, 36% of domestic violence cases, 48% of convicted rapists, and 46% of homicide cases. These results make it clear that animal abusers are not only dangerous to their animal victims but also may jeopardize human welfare.

The link between animal abuse and anti-social behavior towards humans has been also been recognized by mental health professionals. The American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, Edition 5, the diagnostic handbook commonly used by psychologists and therapists for the diagnosis of mental health issues, defines animal abuse by adolescents and teenagers as a common symptom of the spectrum of maladaptive behavior known as Conduct Disorder. Conduct Disorder is a psychological condition diagnosed through a prolonged pattern of antisocial behavior such as serious violation of laws and social norms and rules, including intentional acts of animal abuse.

A 1998 study by researchers Loeber, Farrington, and Waschbusch, uncovered an overlap between the symptoms of Conduct Disorder and behaviors used to characterize serious violent juvenile offenders. Mental health professionals recommend that children diagnosed with conduct disorders receive appropriate mental health treatment as untreated, they are at a higher risk for incarceration both as a juvenile and as an adult.

Additionally, the Humane Society of the United States' First Strike Campaign, which has performed an annual review of reported animal cruelty cases nationwide since 2000, has found that 7% of the animal cruelty cases it reviewed also involved child abuse -- the perpetrators either abused the children or forced them to witness the cruelty to animals. Additionally, 13% of the animal cruelty cases involved domestic abuse; and 1% of animal cruelty cases involved elder abuse. Anecdotally, I will share with the Committee that District Attorney Hynes' Domestic Violence and Crimes Against Children bureaus commonly confront cases where the abuser not only abuses children and intimate partners, but abuses and kills their pets, whether a goldfish, hamster, or other animal, as a means of revenge or control. As was recently reported in the

press, the Mayor's Alliance for Animals has established a animal foster care program designed to provide a system of fosters for companion animals owned by victims of domestic violence.

These victims are sometimes reluctant to enter into a shelter or otherwise leave the abuser for fear that their beloved pets will be left behind and become the target of the abuser in their absence.

It is for these reasons that a District Attorney Hynes established and supports the animal abuse unit, and believe that a strong law enforcement response to acts of abuse against animals should be undertaken. The proposed legislation for an animal abuse registry is a good start.

However, I do have some reservations concerning some of the legislation's provisions. As this Committee may be aware, the NYS District Attorneys' Association is supporting proposed legislation designed to revamp New York State's existing animal abuse laws, currently located within the state's Agricultural and Markets laws, and place these statutes within the Penal Law. If this should occur, section 17-501, the definitional section, will need to be amended to track the new statutes.

My next concern is sections 17-1505 and 17-1507(b). As written these sections impose strict liability on animal shelter employees and volunteers who exchange or transfer<sup>4</sup> ownership of an animal to a registered abuser. While I agree that convicted animal abusers should never be allowed near another animal, it is my opinion that this section will have a chilling effect on shelter operations, adoptions and placements. Many, if not most, shelters rely on volunteers to assist them with fundamental operations, including adoption processing. To expose unpaid volunteers to potential criminal prosecution for inadvertent mistakes would be unfair and antithetical to the practical demands of shelter operations.

Finally, I would urge this committee to consider adding to this legislation language found in the model statute on Offender Registration and Community Notification promulgated by the Animal Legal Defense Fund. In addition to prohibiting ownership of an animal after conviction, the model statute incorporates a more stringent prohibition against a convicted abuser, "residing with or having contact or custody of any animals" after conviction of an animal abuse crime, and expanding the definition of 'registrant' to include businesses and corporations.

I can assure the members of this committee that individuals who have been convicted of animal abuse crimes do not stop having contact with animals as a result of their convictions even if there is a prohibition against such conduct issued by the courts.

I have a pending matter wherein a defendant, convicted in 2011 of 69 counts of animal abuse under Agriculture and Markets law section 353 for housing 69 cats in a U-haul trailer on a Brooklyn street corner while he was in between apartments, was recently found by the courts to be in violation of the court's order forbidding him to have care, custody or ownership of any animals pending appeal of his conviction, and in fact, he admitted to acquiring additional animals during the pendency of his criminal matter. His defense was that his animal rescue operation, being duly incorporated, owned and possessed the animals, and he was a mere employee of the corporation thus, he did not have legal ownership, custody or care.

The courts disagreed in my case, but by restricting the legislative definition of "registrant" in section 17-1504 solely to "person," there will be necessary litigation as to whether the council intended corporations and businesses to be included within the ambit of this legislation. Additionally, by restricting the prohibition only to ownership, abusive individuals will continue to be in close intimate contact with animals if family members or household members own or acquire animals.

I would again like to thank the Chair and the members of this committee for the opportunity to comment on this pending legislation. Thank you.



**Testimony of Allie Feldman  
Executive Director  
NYCLASS  
before  
The Council of the City of New York  
Committee on Health**

**Preconsidered Res. No. \_\_\_\_\_, by CM Crowley, calling upon the New York State Legislature to pass and the Governor to sign A.740/S.3753 which would allow municipalities to regulate pet dealers;**

**Preconsidered Res. No. \_\_\_\_\_, by CM Arroyo, calling upon the New York State Legislature and the Governor to sign A.2046/S.5048 which would amend current laws relating to animal control, the animal population control fund and licensing of animals in New York City, requiring among other things that the license fee for unsterilized dogs be 85% greater than the base fee; and**

**Proposed Int. No. 933-A, by CM Vallone, A local law that would establish an animal abuse registry, prohibit persons listed in the registry from owning a pet, and establish criminal penalties against such persons for violating the statute.**

**“Oversight: Examining strategies for increasing live outcomes at Animal Care and Control.”**

**June 7, 2013**

This legislation will allow municipalities to promulgate rules to regulate pet stores.

Currently state law preempts municipalities from enacting *any* regulations to address the source of animals that pet stores receive. We support giving this authority to local governments, because municipalities could then ban the sale of puppies raised in puppy mills. The conditions in puppy mills as has been revealed in numerous media sources are absolutely atrocious.

Numerous municipalities in New York State report that they would love to run the puppy mills out of their towns, but are powerless to do so without this legislation.

A puppy mill is a commercial breeding operation in which dogs are birthed, bred, and live in shockingly cruel conditions in order to maximize profits for sale to pet stores, individuals, and puppy brokers. Puppy mill dogs are often emaciated and near death from malnourishment, and almost all suffer from a variety of health issues. Females are continuously bred and kept – along with the pups – in deplorable conditions with inadequate, food, water, sanitation, year-round exposure to the elements and dilapidated housing are commonplace. Once the dogs no longer reproduce for the miller, they are killed, dumped or dropped at the shelter.<sup>1</sup>

An investigation from the Humane Society of the United States found that nearly all puppies for sale in New York City pet stores were bred in puppy mills.<sup>2</sup> No responsible

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<sup>1</sup> ASPCA memorandum.

<sup>2</sup> [http://www.humanesociety.org/news/news/2011/11/ny\\_puppy\\_mill\\_110911.html](http://www.humanesociety.org/news/news/2011/11/ny_puppy_mill_110911.html)

breeder would ever sell a litter to a pet store where they can be sold to the highest bidder. And with the NYC shelter system euthanizing 1/3 of the animals it receives due to lack of funding from the Quinn administration, it only makes sense to shut down these overpopulation factories.

NYCLASS appreciates that the Council is drawing attention to this important legislation and strongly encourages that the resolution be adopted.

**Res. No. xx, calling upon the New York State Legislature and the Governor to sign A.2046/S.5048 which would amend current laws relating to animal control, the animal population control fund and licensing of animals in New York City**

NYCLASS also supports CM Arroyo's Resolution, calling upon the New York State Legislature and the Governor to sign A.2046/S.5048 which would amend current laws relating to animal control, the animal population control fund and licensing of animals in New York City, requiring among other things that the license fee for unsterilized dogs be 85% greater than the base fee. While we believe that every animal should be sterilized, we believe that his legislation is a step in the right direction.

The state legislation would require that base fees be used to implement the law, fund animal shelters, and provide public education on responsible pet ownership. Although the situation for Animal Care & Control (AC&C) has improved, greatly in part to the ASPCA's advocacy and the support of numerous community based rescue organizations, we believe that the agency is still woefully underfunded. Every borough deserves at least one full service animal shelter and yet the Bronx and Queens still are

without them. It is absurd that the best city in the world is still behind in animal shelter reform. A first class city deserves a first class shelter in every borough.

That said, **A.2046/S.5048** would provide some additional revenue for AC&C to carry out its mission. We support this resolution and call upon the Council to pass it.

**Proposed Int. No. 933-A, A local law that would establish an animal abuse registry, prohibit persons listed in the registry from owning a pet, and establish criminal penalties against such persons for violating the statute.**

Finally, NYCLASS supports Int. No. 933-A, by CM Vallone, a law that would establish an animal abuse registry, prohibit persons listed in the registry from owning a pet.

NYCLASS thanks CM Vallone for his steadfast support of animal issues.

**“Oversight: Examining strategies for increasing live outcomes at Animal Care and Control.”**

As I mentioned in my testimony regarding CM Arroyo’s resolution in support of state legislation increasing certain fees in order to provide additional funding for animal shelters, NYCLASS believes much more can be done to improve the financial stability of AC&C as well as provide greater and more convenient access to animal shelters throughout NYC. We obviously support increasing live outcomes at ACC facilities, but until we have a greater commitment from a Mayor and Speaker Quinn to fully fund the shelter system, NYCLASS fears that we will continue to have far too many adoptable animals euthanized.

I again want to thank Chair Arroyo and the Committee on Health for holding this hearing. I only wish that more animal rights legislation was heard throughout the past 8 years of Christine Quinn's speakership. If I were a cynical person, I might say that this hearing, which includes the consideration of two *non-binding* resolutions, is being used to give cover to the Speaker Quinn's abhorrent record on animal protection. How convenient. Instead, I wish to thank the sponsors for putting forth this legislation.



## Humane Society of New York

ANIMAL CLINIC / VLADIMIR HOROWITZ AND WANDA TOSCANINI HOROWITZ ADOPTION CENTER  
306 East 59th Street, NYC 10022 / tel: (212) 752-4842 fax: (212) 752-2803

The Humane Society of New York appreciates the opportunity to comment on animal protection legislation and animal care and control in the City of New York. The Humane Society of New York, founded in 1904, operates an adoption center and low-cost veterinary hospital, which includes a low-cost spay/neuter clinic. Our facilities help more than 36,000 animals every year, including animals from ACC who need veterinary attention and a second chance.

### **Resolution Re: A. 740/S. 3753/ Preemption**

We strongly support A. 740/S. 3753 and, in fact, requested that this legislation be introduced. We understand that this bill is in the process of being revised and await its final language. Just as localities have the right to regulate dog licensing, dangerous dogs, leashing and tethering, canine waste, animal groomers, and other animal related matters, localities should also have discretion to regulate pet dealers. Until the preemption language was added to state law, the city had this authority. A. 740/S. 3753 will allow localities to require more humane standards of care for animals maintained by pet dealers and has the potential to greatly improve the care that these animals are currently afforded. This legislation will also result in increased oversight of animals in the custody of pet dealers when municipalities enact local laws.

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### **Resolution Re: A. 2046/S. 5048/ Dog Licensing**

A. 2046/S. 5048 updates the New York City Dog License Law. This legislation would enable the city to increase the base dog license fee (the base dog license fee has not been increased for almost 40 years), removes antiquated language, changes the penalty provisions, reinstates prior language requiring pet stores to sell dog licenses, and authorizes the commissioner to designate additional entities to sell licenses.

We hope that if the base dog license fee is increased, the extra money will be earmarked for extra funding for animal care and control and not merely used to substitute existing funding or anticipated funding from the city's budget. Otherwise, the license fee increase would provide no real benefit to the animal care and control program and the animals and people whom it serves. Worth noting is that the \$25.50 dog license fee surcharge for unspayed and unneutered dogs which the New York City Council authorized in 2011 must be deposited in New York City's animal population control fund and used for spaying and neutering (pursuant to the state law, Laws of 1894, Chapter 115 as amended). There is a direct correlation between the collection of those extra fees and the increase in services. No such clear correlation between an increase in the base fee and an increase in services is contained in A. 2046/S. 5048.

We note that A. 2046/S. 5048 repeals section 8-c of the Laws of 1894, Chapter 115 as amended. Some of its provisions are incorporated elsewhere in the bill. There is a reference in section 8-c to a "facility for lost, strayed and homeless animals in each borough." Although language for facilities is now contained in section 17-803 of the

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Administrative Code, it should be noted that the 'facility in each borough' language was inserted to better ensure that every borough would be served.

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### **A. 4197/ Animal Population Control Fund**

We also urge the Council to consider supporting A. 4197 to ensure that money emanating from NYC residents that is going into the state's animal population control fund is instead directed to NYC's animal population control fund. When the state's animal population control program/fund was bifurcated and a NYC animal population control program/fund was created (codified at section 17-811 and 17-812 of the Administrative Code), certain provisions of law were not changed to ensure that monies collected from NYC residents would go into the city's fund. While the law is clear that the unspayed/unneutered dog license fee surcharge is directed to the NYC fund, other monies, such as fees from the sale of "Animal Population Control Fund" license plates (pursuant to section 404-p of the Vehicle and Traffic Law), are still directed to the state fund, even if purchased by a NYC resident. The sale of such plates has generated millions of dollars in other states so there is the potential that this source could generate much needed money for the NYC animal population control program. Other sections of state law also still reference the state fund, even if the money generated is derived from NYC residents (see, for example, sections 379, 96-e, and 96-h of the Agriculture and Markets Law).

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### **Int. No. 933-A/ Animal Abuse Registry**

We support Int. No. 933-A to create a New York City animal abuse registry and thank Councilmember Vallone for championing this important humane legislation. This legislation could reduce the chances that animals are adopted or sold to animal abusers and will perhaps also deter animal abuse. However, we have a few suggestions which we believe will make the bill more effective.

1. 933-A references specific animal abuse crimes. However, there are other animal abuse crimes, including theft, electrocution, poisoning (see, for example, sections 353-c, 359, 360, 366, and 366-a of the Agriculture and Markets Law) that we believe should be considered for inclusion. State bills providing for a state registry, including, for example, A. 7363/S. 1594-C, reference additional sections of law.
2. We are concerned that if an individual is convicted of a heinous act of animal cruelty outside of New York State but resides in New York City, such person would not be subject to the provisions of 933-A. A. 7363/S. 1594-C makes the proposed New York State registry applicable to persons who commit "a violation of comparable statutes of another state." We suggest that similar language be considered.
3. "Pet shop" is defined in 933-A to "mean a facility required to have a permit issued pursuant to subdivision (a) of section 161.09 of the New York city Health code, where dogs and/or cats are sold, exchanged, bartered, or offered for sale as pet animals to the general public at retail for profit." The NYC Department of Health has stopped requiring pet shops that exclusively sell dogs and cats to get a permit under section 161.09. Thus, the reference in section 17-1502 to "authorized entities" is not inclusive enough without changing the definition of

“pet shop” in section 17-1501. This can be done by referencing those licensed under Article 26-A of the Agriculture and Markets Law.

4. In the “Legislative Findings” section of 933-A, it states, in part, that “...numerous studies have determined that there is a high correlation between animal abuse and other violent criminal behavior and that abuse of animals often predicts other abusive behaviors. Accordingly, the Council finds that an animal abuse registry would protect animals as well as benefit the public by creating an organized record of people who have been convicted of animal cruelty.” However, 933-A provides in section 17-1502(a) that the registry shall be confidential and made available only to law enforcement agencies and district attorneys. In subdivision (b), there is a reference to “authorized entities” which includes humane organizations, pet shops and animal shelters. In addition to making subdivisions (a) and (b) more consistent, we suggest that the registry be available to the public. Such a change would reflect the stated legislative findings in the bill.
5. In A. 239/S. 2987, an animal cruelty and animal fighting database bill pending in the NYS Legislature, there is language to include within the database “persons who have pled guilty to a charge other than animal cruelty or animal fighting in satisfaction of the animal cruelty or animal fighting charge or where animal cruelty or the animal fighting charge has not resulted in a dismissal on the merits.” The sad truth is that since many animal crimes are misdemeanors, they are sometimes pled down to violations. The result of the plea bargain would mean that these offenders would not be required to register under the terms of 933-A. We suggest that language similar to A. 239/S. 2987 be considered.
6. Section 17-504 in 933-A states that “A person listed on the abuse registry shall not own a companion animal.” To prevent an unintended loophole, we suggest that this provision be expanded to state that such person cannot reside with someone who has a companion animal. Otherwise the abuser, if he or she resides with another person, could say that the other person is the “owner” of the animal. Section 374(8) (c) of the Agriculture and Markets Law attempts to address this issue, although we suggest broader language. It states that courts may “order that the convicted person or any person dwelling in the same household who conspired, aided or abetted in the unlawful act which was the basis of the conviction, or who knew or should have known of he unlawful act, shall not harbor or have custody or control of any other animals, other than farm animals, for a period of time which the court deems reasonable”

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### **Animal Care and Control**

1. Pets in housing. We urge the Council to pass legislation to limit enforcement of no-pet lease clauses. We have sought passage of bills for almost twenty years that would restore rights to tenants that they originally had under section 27-2009.1 of the Administrative Code. Tenants should not be placed in the untenable and heartbreaking position of having to choose between their companion animals and their apartments. For more than ten years after the law was enacted, the courts interpreted the law so that once a no-pet lease clause was waived by the landlord (owner), it was waived for the tenancy. Subsequently, the courts interpreted the law differently so that landlords are given another

opportunity to enforce no-pet lease clauses against tenants whose no-pet lease clauses were already waived— even if the tenant adopts an animal after the death of an animal who had resided in the apartment for many years. This interpretation has caused confusion and hardship to countless people.

2. Shelters. Having a full service shelter in each borough would be ideal. The additional shelters would provide more space for animals—thus more time to place animals, to socialize animals, to rehabilitate animals, and to segregate sick animals and have them treated. Well-established and well-run shelters will likely attract more adopters. A full service shelter in each borough would also result in greater redemption of lost animals.
3. Lost and Found. We suggest reviewing practices and procedures in other cities to determine what lost and found programs increase redemption rates.
4. Adoption Program. While we strongly support the transfer of ACC animals to rescue groups and other shelters (in fact, the Humane Society of New York routinely takes ACC animals and provides them with needed veterinary care, spaying/neutering and adoption), we encourage the ACC to establish more adoption programs, both in its shelters and at other locations that will facilitate adoption of the animals in its care. Some of this is already being done. More is needed.
5. Sandra DeFeo, Executive Director of the Humane Society of New York, is available to meet with legislators and others to discuss our programs in maintaining a healthy environment for our animals, socializing them, rehabilitating them, and securing humane adoptive homes.

Thank you very much again for conducting this hearing and for taking measures to improve animal care in our city.

Elinor Molbegott  
Legal Counsel/Animal Issues  
June 7, 2013

## New York City Council Committee on Health Hearing

### Oversight: Examining current trends for increasing live outcomes in animal shelters

June 7, 2013

I am Jane Hoffman, President of the Mayor's Alliance for NYC's Animals, a private not for profit organization. The Alliance is a coalition of 150 animal rescue groups and shelters working with Animal Care and Control of NYC working toward the day when no cat or dog of reasonable health and temperament is killed simply because he or she does not have a home.

Thank you for the opportunity to testify today to provide the Committee with both the history of what has been created in NYC to steadily decrease euthanasia and to increase the live release rate at Animal Care and Control of NYC (AC&C) ... and to provide you with the data demonstrating both.

In 2005 the Alliance secured a Maddie's Fund grant, which over the seven years of the grant cycle brought in about 26 million dollars in private funding.

To secure the Maddie's Fund grants the Alliance created a ten-year strategic plan with 4 core objectives supported by about 18 initiatives.

The 4 core objectives are:

1. increase adoptions,
2. decrease homelessness, which includes the spay neuter of owned cats and dogs as well as the community stray or feral cats, responsible pet ownership including licensing and microchipping,
3. raise awareness about the shelter animals and the rescue groups and shelters and
4. strengthen resources of the rescue groups and shelters by providing services and resources so the groups and shelters build capacity and capability.

Working with the AC&C, the Alliance created the New Hope Department at AC&C. This department, supported with a Transfer Initiative Grant from the Alliance from 2005 through 2012, helps market and transfer cats and dogs to the New Hope Partners. Over 200 rescue groups and shelters that applied and became New Hope Partners work with AC&C to help find homes for the thousands of pets who arrive at AC&C everyday of the year.

Seeing a need to be able to get those animals to the New Hope Partners from AC&C as quickly as possible, the Alliance created the Wheels of Hope transport program to deliver the animals to the veterinarians or kennels or shelters or foster homes of the New Hope Partners. This service is provided for free to all

## **New Hope Partners.**

The AC&C transfers the animals pulled by the New Hope Partners spayed or neutered, vaccinated and microchipped for free.

In addition, adoption subsidies in the amount of 12.2 million dollars was paid from 2005 through 2012 to those New Hope Partners who are Maddie's Pet Partners to help support their efforts.

The kind of progress we have achieved had not and does not happen by randomly reacting. We have been executing the Alliance's strategic plan for the last 10 years.

In other words we created an infrastructure with process and procedure to save animals' lives. But all of this cost money – most of it private money from Maddie's Fund, the ASPCA, foundations and individual donors.

The deep budget cuts at AC&C, which decimated their staffing made this progress harder to achieve. Despite all of this the AC&C still continued to work with its New Hope Partners

Today thanks to the funding restored to AC&C by LL 59 the management is rebuilding the organization.

Working together we have achieved a reduction in euthanasia and an increase in the live release rate as demonstrated in the charts.

To summarize:

2003 – euthanizing 31,701 cats and dogs  
2012 – euthanizing 8,252 dogs and cats

2003 – live release rate was 26% of total intake  
2012 – live release rate was 70% of total intake

In the first Q of 2013 live release rate as a % of total intake was 81%.

To increase live release you need the following: You need a plan. You need to provide funding sufficient to the task to AC&C. You need to provide services and resources to the rescue groups and shelters partners. And you need the management and expertise to put it all together.

Thank you.



**Testimony of  
Risa Weinstock, Executive Director  
Animal Care & Control of NYC**

Before the

**New York City Council Committee on Health**

on

**Hearing on Oversight: Examining Strategies for Increasing Live Outcomes at  
Animal Care & Control of NYC**

June 7, 2013  
10:00 a.m.  
250 Broadway, 14<sup>th</sup> Floor  
New York, NY

Good morning Chairwoman Arroyo and members of the Health Committee. My name is Risa Weinstock and I am the Executive Director and General Counsel of Animal Care & Control of NYC (AC&C). Thank you for the opportunity to testify this morning concerning current trends for increasing live outcomes from AC&C. Many improvements have been undertaken over the past two years and will continue at least through 2015, in large measure as a result of the additional support and funding from City Council. At the City Council Oversight hearing on April 12, 2013 I testified that the passage of Local Law 59 has enabled AC&C to make necessary improvements to its operations, restore services, increase staff, add positions, purchase equipment and supplies, expand services and devote more resources to the animals in our care. I am proud of the results that are we are seeing. All of these enhancements will help increase live outcomes of NYC's shelter animals.

Before I address what AC&C is doing to increase live outcomes, it is important to set out a brief overview of Animal Care & Control of New York City because of the unique services it provides, and the legal and contractual requirements it is obligated to uphold. AC&C is one of the largest animal organizations in the Northeast taking in and caring for more than 30,000 animals each year. Since 1995, AC&C has been dedicated to rescuing, caring for and finding loving homes for homeless and abandoned animals in New York City. We operate five facilities, one in each borough, that are "open admission" -- meaning that each center accepts any animal that comes through its doors regardless of the behavior they are exhibiting, the condition they are in or their medical status. Of these five locations, three are full-service Animal Care Centers located in Manhattan, Brooklyn, and Staten Island, and two are Receiving Centers, located in the Bronx and in Queens. We receive animals of all kinds at each of these locations -- dogs, cats, rabbits, snakes, birds, reptiles and on occasion various farm animals. On average, AC&C takes in over 600 animals per week.

In addition to intakes from the public, AC&C provides many additional services to NYC, pursuant to the contract with the Department of Health & Mental Hygiene (DOHMH) and the City of New York, including: animal sheltering; field services; medical services (including exams, treatment, vaccination, microchip insertion and mandatory spay/neuter); and placement of dogs, cats and rabbits. AC&C does not accomplish this alone; we receive tremendous support from our dedicated volunteers, donors and partners. As a 501(c) (3) organization we are also able to establish partnerships and solicit private donations and grants to provide animal enrichment, care and placement beyond the services we provide under the contract with the City.

Following the passage of Local Law 59, AC&C developed a four-year plan for the gradual expansion of services and improvements, coordinated with the incremental increases to our funding through June 2015. With the continued support from City Council and DOHMH, AC&C has made many improvements which we expect to have a positive impact on increasing live outcomes for the animals in our shelters, as well as overall operations and services we provide to the City.

#### **Recruitment and Hiring**

To accomplish the goals of Local Law 59, we needed to add qualified staff. AC&C has grown dramatically from 139 full time employees (FTE) in January 2011 to 233 as of today's current headcount. We have been careful to hire staff who understand our organization, expectations and long term goals. Having adequate staff helps AC&C provide a higher level of care and services to the animals in our shelters and the community.

Staff has been added throughout the organization, across all departments and locations. Since I last testified in April, we have added 33 new employees. Our staffing plan contemplates continued growth to the organization through FY2015, with a target of 249 employees by June, 2014 and 259 by 2015. With this additional staff, we will continue to increase the human to animal ratio which we expect will improve live outcomes.

#### **Placement of Animals**

AC&C is very committed to finding homes for and decreasing euthanasia of animals in our care. We strive to find good homes for animals through shelter adoptions and off-site and mobile events, as well as through placement with approved rescue groups known as New Hope partners. Each animal that arrives at AC&C will receive an individual assessment to determine their placement options. Placement

decisions take into account the animal's health and behavior, observations from staff and volunteers and, when available, information from the previous caregiver(s). Please know that AC&C does not euthanize animals after a pre-determined number of days in the shelter. Rather, we will hold animals as long as possible based on placement options, the shelter population and animal intake, and the individual animal's health, behavior and welfare.

The following outcomes are possible for animals cared for by AC&C:

- Returned to owner (RTO)
- Available for adoption,
- Foster care
- Placement through a New Hope Partner
- Euthanasia

#### **Returned to Owner (RTO)**

When an owner is identified for an animal within the AC&C system, all reasonable attempts will be made to reunite the pet with his/her owner with the following limitations:

- Potential owners must show proof of ownership to satisfy AC&C's criteria
- All criteria for return to owner must be met, including spay/neuter surgery, licensing (for dogs), and rabies vaccination in accordance with local, state, and federal law.
- Circumstances surrounding the animal's arrival at AC&C and his or her physical health must not present a significant concern related to the return-to-owner (RTO) process.

Improvements to the RTO process have been recently implemented. For example, we have added customer care and animal care officers who focus on contacting known owners, tracing microchips and following up on license information in an effort to make contact with an owner as early as possible. Additional medical staff improves our ability to timely and carefully scan each animal for a microchip. We strongly support licensing of dogs and are working with DOHMH on creative incentives to encourage more pet owners to license their dogs. In addition to micro-chipping all animals that leave AC&C, we are partnering with a company that provides identification for all dogs that are adopted from AC&C, including the owner's contact information as well as AC&C as a backup, since all of our animals and their owners are identifiable through our internal computer database.

#### **Available for Adoption**

With the increase in funding, AC&C has been steadily restructuring and expanding our adoption program. One of the main goals of overhauling the program -- both the physical layout and the process -- is to increase live outcomes by ensuring a quality adoption and reducing the number of returns. The physical location of adoptions from beginning to end will take place in one area designated exclusively for adoptions. The process will now be handled by adoption-dedicated counselors who will manage each adoption from initial greeting to the moment the adopter leaves for home with their new pet. The department is fully staffed with an Adoption Supervisor and nine Adoption Counselors across the three full service shelters, all of whom are completing their training and are preparing to assume full responsibility for adoptions.

Adoptions hours for the public are 12:00 PM – 7:00 PM and there will be adoption counselors covering three shifts between the hours of 10:30AM and 8:00PM, seven days a week. Each shift will have specific responsibilities that cover the entire adoption process from checking the adoption email account, doing post adoption follow up, answering and returning phone calls, running adoption pending reports, opening adoptions for the day, adoption counseling, approving applications, processing adoptions and closing adoptions.

To promote responsible pet ownership, all adopters will receive a packet of information and an adoption counselor's business card, a year of free pet insurance, a microchip, dog license and a registered identification tag. These last three items will expedite the return to owner process should someone lose their adopted pet and increase the possibility of reuniting a family and their pet.

With the increased funding AC&C received, we have also expanded our animal behavior and animal enrichment programs. With these additional staff we are able to provide timely behavior assessments and more efficient placement decision making.

AC&C is hosting an adoption event around this new program on June 29 at our Manhattan Care Center, and we will be promoting it through social media and other forms of advertising. We will also circulate the information to the City Council members for inclusion in your newsletters or other communications to your constituents.

#### **Foster Care**

AC&C seeks foster care for animals that are underage or that require treatment for physical and/or behavioral health conditions beyond the available resources at AC&C. Animals are eligible for this program only if AC&C or a New Hope partner can reasonably provide the needed treatment for the animal and placement is made in accordance with the policies of the foster program. It is expected that these animals will later be adopted through the shelter, at a media or off-site or mobile event, or placed with a New Hope partner. However, selection for foster care is not a guarantee of placement and is subject to further evaluation of health and behavior. Other animals that benefit from foster care include those with treatable medical conditions and animals on legal hold in cruelty investigations or other legal cases.

Fosters provide homes, care and a nurturing environment to animals that can potentially be adopted to the public. AC&C is very committed to recruiting additional fosters. In the past year our Foster Coordinator has grown the program substantially by holding semimonthly orientations and increasing use of social media and targeted advertising. To date we have more than 50 cat foster homes and over 75 dog foster homes.

#### **Placement Through a New Hope Partner**

AC&C's New Hope program is a proactive community initiative aimed increasing live outcomes by finding homes for animals in our care. Through our strong partnerships with the Mayor's Alliance and other New Hope partners, AC&C has been able to achieve more placements and provide better care for our animals. AC&C has more than 225 dedicated, compassionate New Hope partners that accounted for more than 15,000 animal placements from our shelters in the past year. AC&C is committed to building our New Hope network, participating in events that promote our public adoptions, and also encouraging New Hope to pull more animals from the shelters. Just last week, AC&C participated in a nationwide adoption event through our partnership with the Mayor's Alliance. In two days 104 animals were adopted from AC&C by the public - that's nearly twice as many adoptions than an ordinary weekend. The Department has also recognized the importance of the New Hope program by providing the necessary additional funding to sufficiently staff the department. The additional staff enable AC&C to better collaborate with the New Hope partners/rescue community and help place even more animals than we could by public adoptions alone. I want to underscore the fact that New Hope partners take many of the animals that have either medical or behavior challenges; animals that AC&C might not otherwise be able to place through adoptions.. We are grateful to the rescue community and the Mayor's Alliance for their tireless efforts and financial expenditures to care for and find homes for these animals. This partnership has tremendous impact on increasing live outcomes at AC&C.

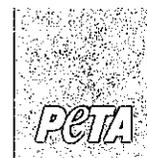
#### **Euthanasia**

Euthanasia is a very difficult decision that everyone who works at AC&C takes seriously. We sincerely wish that each animal that comes to AC&C would be adopted to a caring, responsible home. Therefore, before any animal is deemed at risk of euthanasia, we evaluate each animal on an individual basis. Whenever possible, proactive placement with New Hope partners will be sought for those animals with medical or behavioral conditions beyond AC&C's ability to treat or place. In an effort to increase the live outcome for many at risk animals, AC&C has made its "at risk of euthanasia list" available to the public through a specific link on our website. Since the list first became available to the public, we have placed an additional 100 animals. In order to continue to increase live outcomes, we will be extending the number of hours that the "at risk list is available to the public beginning this summer. We are committed to evaluating this extension and will consider additional expansion based on AC&C's operational capabilities and the availability of funding.

#### **Conclusion**

The programs and improvements I have described will help AC&C continue to increase live outcomes from our facilities. The additional funding made possible through Local Law 59 has made a significant impact on our ability to address that challenge in light of the number of animals we take in every year. AC&C is thankful for the support of the Council and is committed to continued improvement to reach this

goal, as well as continued improvement of the entire organization. Again, thank you for the opportunity to testify today. I am happy to take your questions.



**New York City Council Committee on Health  
Testimony of Emily McCoy, Representative  
Cruelty Investigations Department, PETA  
June 7, 2013**

PEOPLE FOR  
THE ETHICAL  
TREATMENT  
OF ANIMALS

Good morning, honorable committee members. PETA is the world's largest animal rights organization, with more than 3 million members and supporters worldwide, many of whom are proud residents of New York. Thank you for the opportunity to share with you our position on three pieces of legislation relating to the regulation of the marketplace for companion animals and to alert committee members to the dangers of pressuring animal shelters to "increase live outcomes" rather than concentrating on accommodating the totality of animals needing refuge in the community in the first place.

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We support legislation to reduce dog and cat breeding at a time when millions of companion animals in the U.S. must be euthanized because there are no homes for them, and we share the city's support of state bill Assembly bill 2046/Senate bill 5048, legislation that would amend current laws relating to animal control, the Animal Population Control Fund, and licensing of animals in New York City. We also strongly support Assembly bill 740/Senate bill 3753, which allows municipalities to regulate "pet" dealers. PETA also supports Proposed Introduction Number 933-A, which would amend the administrative code of the city of New York in relation to creating an animal abuse registry, and we recommend restoring penalties for animal adoption agencies and individuals who fail to consult the registry before releasing any animal.

We cannot warn the committee strongly enough about the dangers of pressuring animal shelters to "increase live outcomes." The true measure of success in addressing the homeless animal population in a community is a reduction in the number of animals needing refuge at the front door, not a policy of releasing them to anyone who will take them out the back door.

On a daily basis, our office receives reports of troubling policies implemented at animal shelters pressured to lower their euthanasia numbers by individuals and groups unfamiliar with the inner workings of animal care and control facilities or the daily challenges and heartbreak that shelter workers face. These policies are not in the animals' best interests and compel shelters to turn away stray and unwanted animals and stop field services when the shelters' cages are full; warehouse animals, often several to a cage or kennel designed for the temporary housing of one, which results in widespread disease transmission and a decline in animal health and adoptability; keep animals in makeshift enclosures when regular cages and kennels are full; and more.

New York Animal Care and Control (ACC) has already reduced standards of care and disposition in response to pressure to "increase live outcomes" to the animals' peril. ACC, bowing to pressure from "no-kill" proponents, transferred hundreds

An international organization  
dedicated to protecting the  
rights of all animals.

Affiliates:

- PETA Foundation (U.K.)
- PETA Asia-Pacific
- PETA India
- PETA Germany
- PETA Netherlands

of animals to a horrible facility inappropriately named “Angel’s Gate,” a self-proclaimed “hospice and rehabilitation center.” A public records request revealed that 160 animals were transferred to the facility in a relatively short period—from January 2008 to February 2011. Many of these animals were gravely injured or ill and some had been surrendered to ACC by guardians specifically for the purpose of humane euthanasia because of age, health, temperament, or other legitimate reasons. One of the animals transferred to Angel’s Gate through ACC’s “New Hope” program was a Yorkshire terrier mix named Sexy who was surrendered to ACC specifically for euthanasia because his guardian knew that he was suffering from old age and cancer. Sexy was missing his entire lower jaw and had cataracts, yet he was transferred to Angel’s Gate instead of being given relief. Another was Bailey, a badly injured toy poodle who could not use his hind legs and whose records indicated that he was suffering from severe pain and could not urinate or defecate, yet he was also denied a peaceful end and was instead sent to Angel’s Gate.

An undercover investigation conducted by PETA at Angel’s Gate found a chaotic warehouse in which animals, many of whose conditions required specialized, individualized, round-the-clock care, were deprived of basic necessities and even the minimum quality of life. After seeing how Malcolm—a thin, elderly Chihuahua who was sent to Angel’s Gate from ACC and left to deteriorate and suffer for weeks until he couldn’t stand, walk, or eat and finally died—suffered after being “saved from death row,” his rescuer said, “There are fates worse than dying at the ACC ....” Malcolm should have been euthanized at ACC, but because of pressure to “increase live outcomes,” he was marked as a transfer through the New Hope program. He suffered a fate far worse than a painless departure from a world that had betrayed him. Angel’s Gate was shut down and its owner charged with cruelty to animals because of PETA’s investigation but not before thousands of animals suffered behind its treacherous doors. Countless other so-called “rescues” operate unregulated, cruel warehouses for animals and/or give animals to anyone willing to take them to make room for more. This is *not* the answer to the animal overpopulation crisis.

No one hates the ugly reality of euthanasia more than the people who perform it. Shelters don’t have a magic wand, however, and humane alternatives are few and far between. The only answer is to stop the flow of animals at its source, in the community, where citizens and businesses recklessly breed, sell, and give away unspayed and unneutered animals for profit or simply out of ignorance or apathy. Positive steps to reduce the number of animals who are cast off or carelessly bred can be taken, and PETA stands ready to assist the city with sample legislation and the creation of innovative plans and programs to help.

We thank each council member for the time and consideration given to improve the lives of animals and residents of New York.

# 'No-Kill' Label Slowly Killing Animals

When “no-kill” animal shelters and rescue groups are filled to capacity, which is almost always, they are left with two options: turn away more animals than they take in or warehouse animals, often in substandard, filthy, and severely crowded conditions, for weeks, months, or even years on end. Most, if not all, of the animals who are turned away from such facilities still face untimely deaths—just not at these facilities.

Instead, they are cruelly killed by people who don't want them, are dumped by the roadside and left to die of starvation or by being hit by a car, or spend their short lives homeless, unwanted, and producing more litters of animals for whom no homes exist.

The lucky ones are taken to well-run open-admission animal shelters, where they either find a well-screened, permanent home or are painlessly euthanized in the arms of professionally trained, compassionate people. Here are some of the “no-kill” animal shelter failures that made headlines in New York state in recent years for forcing animals to endure a fate far worse than a kind death.

**March 20, 2013/Elma:** *The Buffalo News* reported that authorities raided Smilin' Pit Bull Rescue and charged the owner with cruelty to animals. Five dogs were removed in response to allegations, including “that dogs had been denied veterinary care for injuries or illnesses and had deteriorated while in the group's care [and that] dogs had been confined to crates for extended periods.”

**February 19, 2013/Kirkwood:** WBNG-TV reported that 58 cats and 15 dogs were seized from the Humane Enforcement and Animal Rescue Team (HEART), a “no-kill” organization that confined animals to cruel conditions that “caused illness and suffering.”

**July 9, 2012/Hebron:** The owner of the Peaceable Kingdom home-based “animal shelter” began a 60-day jail sentence

stemming from a charge involving 54 counts of cruelty to animals related to the neglect of cats and dogs in her care. This was the second prosecution of the operator on charges involving dangerously inhumane conditions at her home.

**April 27, 2012/Albion:** A People for Animal Welfare Society facility was shut down and nearly 100 animals were removed following an investigation by law enforcement into conditions at the animal shelter. The animals were turned over to the Humane Society of Greater Rochester, which reported that many of the animals suffered from untreated ear mites, upper respiratory infections, and chronic conjunctivitis.

**February 15, 2012/Attica:** State police raided the SPCA of Wyoming County and found more than 500 cats living in “horrific” conditions. Some suspects at the “no-kill” shelter blamed the conditions on being “overwhelmed by budget cuts” and not being able to find homes for animals.



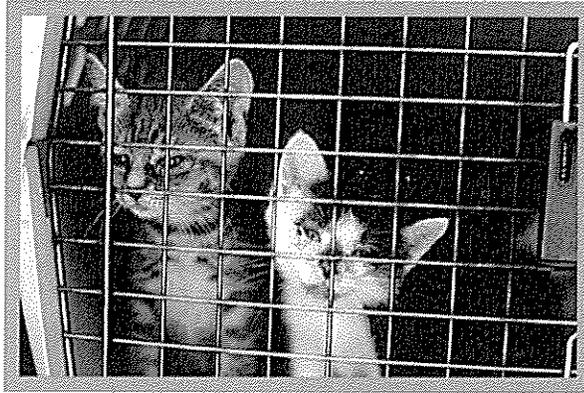
**October 3, 2011/Hebron:** Four people were each charged with 54 misdemeanor counts of cruelty to animals after authorities investigated the property of the Peaceable Kingdom Animal Rescue, which obtained animals from shelters purportedly to “rescue” them. Authorities said that the animals were emaciated and dehydrated and had numerous medical problems that did not appear to have been treated,

including mange, eye infections, dental problems, and diarrhea.

**July 18, 2011/Johnstown:** More than 300 animals were removed from Kelly's Haven for Friends Animal Rescue after officials found them living in deplorable conditions “in a mixture of garbage, feces, urine and dirt.” In the basement, authorities found that “cages of dogs line the concrete block walls, the tops covered with empty dog crates, supplies and a plastic pool. The chain-link sides of the cages are laced with cobwebs, cardboard is falling from the ceiling and cats perch on the piles.”

# Turned Away: A Closer Look at 'No-Kill'

Right before dawn one morning, a man drove up to a “no-kill” animal shelter in Virginia. He didn’t know anyone was watching, but he apparently did know that the limited-admission shelter often refused entry to animals in need. The man was seen throwing a mixed-breed dog—frightened and malnourished, with every rib visible—from his vehicle before speeding off into the dark. Terrified and desperate, the dog ran onto a nearby highway. It was not long before she was struck by a car. A shelter worker found the dog struggling to stand, apparently having sustained a broken back and a crushed pelvis. The young dog was finally euthanized because of the extent of her pain and injuries.



If the shelter had had in place an open-door policy—or even if it had simply transported her to the local high-intake open-admission shelter—this dog would have been spared terror, pain, suffering, and perhaps even death.

## ‘Sorry—We’re Full’

A first-of-its-kind video reveals how, every day, animals like this abandoned dog are turned away by shelters boasting of “no-kill” policies. Keeping animals out of shelters may keep “no-kill” shelters’ euthanasia rates low and make for effective fundraising, but it spells disaster for animals. See why “no-kill” can mean *no help* for the neediest cats and dogs: <http://www.peta.org/features/turned-away-a-closer-look-at-no-kill.aspx>.

Because 6 to 8 million dogs and cats flood animal shelters every year, “no-kill” facilities are perpetually full, with weeks- or months-long waiting lists, “managed admissions,” and appointment-based systems. Under intense pressure from “no-kill” extremists to increase “live-release” rates and reduce euthanasia at all costs, many shelters are turning their backs on the very animals who need them.

## A Deceptive Shell Game

“No-kill” policies don’t prevent animals from dying. They simply leave animals to die elsewhere—and often miserably.

Facilities that adhere to these policies opt not to involve themselves in euthanasia by turning away animals in need, shipping animals out of state to unknown and often untraceable destinations, and/or warehousing animals in cages indefinitely.

Ironically, many “no-kill” shelters refer unwanted animals to high-intake, open-admission shelters—which take in all animals and must therefore euthanize some to make room for the steady stream of newcomers. Yet in their fundraising materials and public statements,

many “no-kill” advocates and facilities condemn shelters whose workers must carry out the heartbreaking, inescapable work that “no-kill” shelters refuse to do. This siphons public support away from the facilities that help the vast majority of unwanted animals in need.

**“We have at least 500 calls per week asking us to take this dog or cat. ... We can’t do that.”**

*—Michael Mountain, Founder and Past President,  
Best Friends Animal Sanctuary*

“No-kill” groups also avoid accountability by shuttling animals between “foster homes,” sometimes for years. This deprives dogs and cats of the stability and bond of a permanent home and leaves them psychologically and behaviorally scarred from constant confinement and repeated abandonment.

## Desperate and With Nowhere to Turn

Animals who are rejected by limited-admission shelters don’t just disappear. A lucky few may end up in open-admission shelters, but many are disposed of like trash by people who are desperate to get rid of them.

**PETA**

They are dumped on city streets or on desolate country roads, where they get injured or killed in traffic, starve, or succumb to the elements, as well as reproducing—creating even more homeless animals. Others end up spending their lives confined to a lonely kennel or chained in an isolated backyard. Some are violently killed or fatally neglected.

After a shelter in West Virginia refused to take two kittens from him, a man tossed the animals from his car window and intentionally ran over them in the shelter's parking lot. One kitten was killed instantly, and the other had to be euthanized.

When an animal hoarder in New York asked a “no-kill” shelter to take some of her cats, she was put on a waiting list. About a year and a half later, authorities raided the hoarder's home and found 67 dead cats and kittens in a freezer, along with 72 live cats who were suffering from flea infestations, untreated wounds, dehydration, and upper respiratory illnesses.

Refusing to accept animals may make shelters' euthanasia rates and statistics sound favorable to donors, but what happens to the unwanted animals once the shelters turn them away?

### **Hoarder ‘Shelters’**

Conversely, some “no-kill” facilities never turn *anyone* away and instead hoard animals, as PETA's undercover investigations have revealed. At Florida's Caboodle Ranch, a self-proclaimed “cat rescue sanctuary,” 700 cats lived outdoors amid vomit, trash, excrement, roaches, and maggots and in dilapidated, moldy trailers and wooden sheds that reeked of ammonia. Sick cats gasped for air and struggled to breathe. One cat languished for months with a perforated cornea until she finally died.

Angel's Gate, a so-called animal “hospice” in New York, left animals in urine-soaked diapers that scalded their skin and forced paralyzed dogs to drag their legs behind them until they were covered with raw, bleeding sores. Corpses of animals who had died were left among living animals for days. Investigations at Sacred Vision Animal Sanctuary in South Carolina and North Carolina's All Creatures Great and Small revealed similar

horrors. These are not isolated occurrences: An estimated 25 percent of 6,000 or so new hoarding cases in the U.S. each year are made up of animal “rescues” and “shelters.”

### **‘No-Birth’ Is the Solution**

The only real, sustainable, and humane way for communities to end the euthanasia of healthy animals at shelters is by cutting off the *supply* of homeless animals.

PETA has reached out to each of the shelters that turned away animals in our video and urged them to implement a five-point plan that addresses the reasons why animals end up homeless in the first place. The plan includes carefully screening prospective adopters and placement partners to avoid adoptions or transfers

into bad homes as well as into hoarding situations, spaying or neutering all animals before their release, offering free and low-cost spay-and-neuter services or assistance, lobbying to ban pet store sales of dogs and cats, and accepting every animal without fees, appointments, or waiting lists.

Additionally, PETA has called on the National Governors Association for three years straight to attack the roots of animal homelessness by promoting mandatory spay-and-neuter legislation across the country.

PETA has been combating animal homelessness hands-on in our own community by sterilizing more than 90,000 cats and dogs over the past 10 years in our mobile clinics and helping thousands of people keep their animals by offering no- to low-cost veterinary services, counseling, and other

resources. Our ads and public service announcements have encouraged millions of people to have their animals sterilized and to adopt animals from shelters.

We can turn our communities into places where no cats or

dogs have to be euthanized for lack of a home. Each of us can help by always having our animal companions spayed or neutered and never buying animals from breeders or pet stores, supporting and adopting from open-admission shelters, and encouraging our friends and family to do so, too. Together, we can become no-kill the right way—by becoming no-*birth*.

**“The limited intake philosophy is not the solution for the problem because you're not addressing all the animals in need. When you're full, you're full. What happened to those 608 cats [our shelter turned away] last year?”**

*—Greg Bloomfield, Past Executive Director, Toledo Area Humane Society*

**“It was either that [take the dogs to an animal shelter] or shoot them.”**

*—Individual who took three dogs to an open-admission animal shelter in Mississippi*

# The Great Outdoors? Not for Cats!

Some animal shelters manipulate their euthanasia statistics by instituting policies that leave animals to struggle for survival and die painfully on the streets. So-called “trap-neuter-release” (TNR) programs—or, more accurately, “trap-neuter-reabandon” programs—may allow shelters to spin intake and euthanasia numbers, but they do almost nothing to protect cats from the horrors that befall them when left outdoors to battle harsh surroundings, sickness, and sadistic people.

While countless cats who are left outdoors without protection die from infected wounds and injuries (even small abscesses and common urinary tract infections become raging and deadly for unsocialized cats who cannot be handled and treated), contagious diseases, starvation, dehydration, freezing, heatstroke, and attacks by dogs and other predators—as well as from being hit by vehicles or ravaged by parasites—many cats are poisoned, shot, or killed in some other cruel way by those who consider them a nuisance or are simply sadists.

Right or wrong, many property and business owners do not want cats on their property. Some individuals dislike cats and intentionally harm them. Because of the many deadly hazards that befall cats outdoors, responsible guardians allow their feline companions outdoors only when on a leash, in an enclosed area (such as a screened porch), or closely supervised.

So many people become upset by roaming cats that legislation was introduced in Wisconsin and Utah to make it legal to hunt and kill domestic cats! The bills failed, thanks to an outcry from animal activists and compassionate citizens, but that they were introduced at all should serve as a wake-up call for those who care about cats—they are not safe outdoors unattended.

When angry property owners are not given help with the removal of cats who are damaging their property and considered a nuisance, they often take matters into their

own hands and resort to cruelty. Recent cases of cruelty to cats left outdoors unsupervised that have made it into the news media include the following in the New York City area:

**April 2013/Brooklyn:** A father and son were sentenced to 30 days in jail and five years of probation, with a lifetime ban on owning any animals, in a plea deal resulting from cruelty-to-animals charges. In July 2012, the two men had viciously beaten an “outdoor cat” to death with a broom handle and a pillowcase containing a heavy object. Law-enforcement officers investigating the case “found a broken stick in the attic [of the defendant’s home] along with cat fibers and blood. Investigators also found a partial cat claw, a tuft of cat hair and cat feces,” according to *The New York Times’* City Room. The son reportedly told investigators that “his mother would feed the cat after [he] showed up on the steps of their home a little more than [a] year before the attack.”



**May 2012/Ronkonkoma:** A feral cat colony caretaker found eight kittens dead from “massive skull trauma” and blunt force trauma to their bodies, which were strewn around the industrial park where they had been fed.

**May 2012/Medford:** A cat was fatally shot with an arrow, which was still protruding from her body when she sought safety on a citizen’s porch.

**March 2011/Brooklyn:** The *New York Post* reported on a case involving three youths who claimed to be “bored” when they took a local stray cat into a vacant apartment, doused him in lighter fluid, and watched as he burned to death.

The majority of cases handled by PETA emergency caseworkers involve animals who are outdoors unsupervised or homeless. In May 2012, an apparently homeless cat was hit by a car in New York City and lingered on the side of the road in agony for at least three hours before a desperate citizen called PETA. Law-enforcement officials, including

animal control, were contacted but unwilling to assist. PETA finally secured a veterinary ambulance to retrieve the cat and relieve his misery.

We received a call for help when a citizen found this homeless cat in the Bronx. The cat was choking on his own mucus because of an extreme upper respiratory infection, and his left eyeball had been dislodged. PETA secured help for the cat at the nearest veterinary hospital.

In October 2011, five of New York City's finest answered PETA's late-night call in response to a distraught city resident's appeal for a stray kitten found trapped in the engine compartment of a car. The officers worked diligently and successfully freed the kitten. Incidents like this are not uncommon for free-roaming cats and kittens, and many are not fortunate enough to be rescued.



# In Memory of Malcolm

We don't know much about Malcolm's life.

Apparently a stray, the elderly Chihuahua ended up at the New York Center for Animal Care and Control (NYCACC) in late November 2010. The NYCACC, through its "New Hope" program, sent Malcolm to Angel's Gate, a "hospice and rehabilitation center" in Delhi, N.Y. Founded and operated by Susan Marino, Angel's Gate promises that "special needs animals" will "live out their days in peace, dignity and love." There, Malcolm's condition was allowed to deteriorate day after day until he could no longer stand, walk, or eat. After suffering needlessly for about two weeks, Malcolm finally died, without any of the things that he was promised: hope, peace, love, or dignity.

Malcolm was obviously in need of immediate help. He was thin, lethargic, and anemic; he drank copious amounts of water; his head tilted significantly to the right. **Three days passed before he was taken to a veterinarian,** who drew blood for testing. PETA's investigator repeatedly inquired about the results, but Marino did not seem to have any idea—or much interest in—what they indicated.

Marino told PETA's investigator that Malcolm would just spill any water that was placed inside his cage. On December 7, when PETA's investigator offered Malcolm water, **the dog drank**

**continuously for three minutes.** By this point, the dog could not keep his balance and fell over as soon as he was placed on all fours. Because of his head tilt and neurological problems, Malcolm could not eat unless someone held a bowl of food in front of him—something that no one except PETA's investigator seemed to take the time to do.

Three days later, on December 10, PETA's investigator found Malcolm lying in a cage with his head arched back. He was thinner than ever and showed no interest in eating or drinking. When the investigator alerted Marino to the dog's condition, she told him that Malcolm had been "running around" earlier that morning and that he was unable to walk because she had trimmed his nails and cut them too short—neither of which was even remotely believable.

On December 12, PETA's investigator found Malcolm dehydrated, cold to the touch, and virtually motionless. He was dead by the following day.



Malcolm is one of hundreds of animals who were sent to Angel's Gate, undoubtedly with good intentions—intentions that ultimately did not help them. Malcolm should have been afforded a dignified, painless death by injection at NYCACC, but open-admission animal shelters have come under fire for having to euthanize animals who are not adopted or adoptable. They are under a tremendous amount of pressure to "save" animals at any cost, and animals like Malcolm pay the price every day.

The reality is that for animals who have no joy and a poor quality of life, euthanasia is a merciful blessing, and it is something that we owe to animals who depend on us to prevent and alleviate their suffering. Our difficult decisions are nothing compared to the agony that we prolong when we allow ailing animals to suffer without the relief and dignity of a humane death.

May Malcolm rest in peace.

**PETA**

## Dying pets lived among dead

Lauded Catskills animal hospice being probed after PETA complaint

by BRYAN FITZGERALD Special to the Times Union  
Updated 11:42 pm, Wednesday, April 20, 2011

DELHI -- The Delaware County district attorney's office is reviewing a request by People for the Ethical Treatment of Animals seeking an investigation into an animal hospice in the Catskills lauded on "Oprah" and "The Rachael Ray Show." PETA said its undercover investigation revealed that the facility, which promises care for doomed and dying pets, left the animals to suffer and perish in squalor.

District Attorney Richard T. Northrup said his staff is reviewing a report by the animal-rights group stemming from its clandestine examination of Angel's Gate Animal Hospice. PETA claims its investigator who posed as a volunteer at the shelter for three weeks late last year found that the rehabilitation center failed to properly treat animals in deteriorating health, intentionally denied the creatures water and shelter and left carcasses of dead pets out among living for days. Northrup said this was the first time a complaint had come to his office about Angel's Gate.

The nonprofit facility founded by Susan Marino in 1993 on Long Island relocated to Delhi in 2006. It has been featured on several national news outlets and television shows for its charitable work. In 2009, the shelter won Rachael Ray's Mutt Madness competition, which rewards what viewers vote to be the most outstanding charitable pet organization with \$50,000. Angel's Gate beat out 550 other organizations for the top prize.

Marino, 59, told the Times Union by phone Tuesday that allegations about her shelter mistreating and failing to properly care for the animals are false.

"We've done nothing wrong," said Marino, who voiced confidence that anyone visits the facility will see the hospice is doing good work.

Marino said the large residential building surrounded by acres of open land has seven or eight employees on site each day. Angel's Gate currently houses 185 cats, 103 dogs, 10 birds and three horses, she said.

In the 26-page complaint, PETA said its undercover agent, who was at Angel's Gate from 21 days at the end of November and beginning of December, witnessed the following:

Paraplegic dogs dragging themselves on the ground until they developed bruises when canine-fitted wheelchairs were readily available; pets covered for days in urine and feces; animals failing to receive prescribed medication and others given prescription medicine without a veterinarian's consent; animals left with only rancid meat to eat; pets with easily treatable medical conditions left uncared for; and carcasses left among living animals for days.



Video frame grab from a undercover investigation of Angel's Gate, Inc., a self-proclaimed animal "hospice and rehabilitation center" in Delhi, N.Y. The video was obtained from PETA. (Courtesy PETA)

PETA released video shot surreptitiously, which it said documents the neglect and abuse. The animal-rights group said it was tipped off to the allegations by a young woman applied for a job at Angel's Gate and was appalled by what she saw.

Marino said all pets at the shelter receive the best care available. She said paraplegic dogs are left without their wheelchairs for portions of the day so they can lie down.

She acknowledged carcasses are left out for days in the same place the animal died -- often a bed -- because she believes "the animal's spirit lives on within its body after it has died."

"I'm not going to just throw it in a freezer," Marino said.

The carcasses, typically sealed inside a plastic bag shortly after death, are then disposed at a crematorium two or three days later, according to Marino.

Marino, who is a licensed veterinary technician, said she hired a full-time veterinarian on Wednesday to work at Angel's Gate, which previously had no veterinarians on staff. Marino maintained that hiring had nothing to do with the recent allegations. She said she and her staff take pets to local veterinarians, but that the vets rarely visit the shelter.

Calls to Delaware County veterinarians Marino said had cared for her animals were not returned Wednesday.

Last May, the state Department of Environmental Conservation was called to Angel's Gate when a neighbor called to say Marino was caring for deer and wild geese without the proper permits. A DEC report stated that agency officials found two deer under Angel's Gate's care living with dogs. The DEC found wounds on the deer that Marino said were inflicted by a Rottweiler under her care as well, according to the report obtained by PETA through a Freedom of Information Law request.

Marino was found to not have proper licensing to care for the wildlife and the deer were euthanized by the DEC because of their injuries.

Marino said she treated the deer's wounds and admitted she made a mistake attempting to integrate the deer with domesticated animals.

"I had never taken care of deer before," Marino said. "It was poor judgment on my part." Marino said she wasn't aware that permit to care for wildlife animals had lapsed.

Marino was also featured in Newsday and People magazine and on "Martha Stewart Living" and the CBS Early Show. She received the 2001 ASPCA Founders Award for her facility on Long Island.

At the end of PETA's five-minute video, Marino is shown in the driver's seat of a car talking to the animal rights investigator about the former facility in Long Island.

"Every agency from town came in couldn't find one violation," she says, then adds with a laugh, "Thank God they didn't come to this house."

Reach Fitzgerald at 454-5414 or at [bfitzgerald@timesunion.com](mailto:bfitzgerald@timesunion.com)

## Susan Marino, Angel's Gate Animal Hospice Owner, Charged With Cruelty

MARY ESCH | 01/6/12 04:09 PM ET [AP](#)

DELHI, N.Y. — Susan Marino started Angel's Gate animal hospice more than a decade ago to care for animals with special needs: Dogs paralyzed after being hit by cars; cats with severe deformities; a Labrador retriever born without lower limbs, now fitted with orthotics.

A registered nurse who for more than 35 years specialized in emergency and critical care, mental health, and the care of critically and terminally ill children and their families, Marino went back to school and became a veterinary technician, got a certification in canine rehabilitation and a license to rehabilitate wildlife and had her efforts noticed by Oprah Winfrey and Rachael Ray.



This Dec. 7, 2010 photo provided by PETA shows a cat named Cindy who, according to PETA, suffered high fever and infection that caused her to have a severe head tilt, at Angel's Gate hospice in Delhi, N.Y. The hospice that has been lauded on national TV is being charged with cruelty. (AP Photo/PETA)

Winfrey did a segment on Angel's Gate; Marino's center won \$50,000 from the Food Network star. There was an appearance on Martha Stewart, an ASPCA Founders award and a Woman of Distinction honor from the state of New York.

Not all the attention was welcomed. The hospice came under fire from animal rights activists whose undercover investigation led to five cruelty charges against Marino.

Acting on a tip from a job applicant, an animal rights group sent in an undercover agent posing as a volunteer to scout the 100-acre ranch in rural upstate New York that 75 dogs, 230 cats, three horses and nine birds currently call home. People for the Ethical Treatment of Animals said the investigation found paralyzed dogs dragging themselves around until they developed bloody skin ulcers while their wheeled carts hung on a fence unused; animals kept in diapers for several days, causing urine scald; animals with open wounds and respiratory infections that weren't taken to a veterinarian.

They turned over the video to a local prosecutor who charged Marino on Dec. 30 with failing to provide sustenance to five cats, a violation of the state's agriculture and markets law. The district attorney also charged her with possession of a controlled substance. They're all misdemeanors that carry up to a year in jail and/or up to a \$1,000 fine.

Marino said the PETA video is edited in some places to give a misleading impression. She disputes claims that animals were neglected, and says many of PETA's complaints amount to little more than a philosophical disagreement over whether a damaged animal should live or die.

Acting on PETA's 27-page complaint, investigators from the county district attorney's office searched Angel's Gate in May.

"They had a warrant to remove any animal they deemed not properly cared for," Marino said in a recent interview. "They never removed any animal from here."

Holly Cheever, an Albany-area veterinarian with 30 years of experience in animal cruelty investigations, assisted in the probe of Angel's Gate. She told The Associated Press that she cited about a dozen animals that should have been humanely euthanized, including cats with active cases of feline AIDS.

She called Marino an animal hoarder and Angel's Gate a death camp.

"Hospice is a temporary situation that leads to humane euthanasia when the quality of life is no longer acceptable," Cheever said. "With Marino, they're essentially trapped inside of suffering bodies without the compassion to end their suffering. That's a hallmark of the hoarder. They refuse to recognize suffering."

After charges were filed, Marino invited a reporter to make a second trip to Angel's Gate; her lawyer later instructed her to cancel the visit and decline interviews.

"I've had death threats," Marino said before her lawyer intervened. "All I've ever wanted to do was do something good for these animals."

The Oprah show featured Angel's Gate in 2008 and donations poured in. Marino said the organization received more than \$400,000 and its website got millions of hits from around the globe. Marino used the money to buy a farmhouse on 100 acres in rural Delhi, moving from suburban Long Island where neighbors had complained.

In 2009, Ray's pet rescue organization chose Angel's Gate as one of 64 shelters participating in a "Mutt Madness" competition. Angel's Gate won the top prize of \$50,000, which Marino used to build a food preparation building she dubbed "Rachel's Kitchen."

"There is a vetting process with any organization that gets donations," Rachael Ray spokesman Charlie Dougiello said this week. "At the time of the donation, there were no allegations against Angel's Gate."

In videos on the Angel's Gate website and Facebook page, dogs romp on spotless white tile floors and doze in peaceful piles on dog beds. At breakfast time, a worker sets out 25 bowls of meat in a room filled with dachshunds, shih-tzus, beagles and other small dogs, some of them dragging themselves to their bowls because they're missing limbs or are paralyzed. Marino hugs, kisses and cuddles with the animals.

Video shot by PETA presents a different picture.

Daphna Nachminovich, a cruelty investigator for PETA based in Northrup, Va., said the group acted on complaints including one "from a job applicant at Angel's Gate who spent several hours there and was sickened by what she saw."

"There were animals suffering horribly at death's door, without the relief of euthanasia," Nachminovich said.

PETA's video, posted on YouTube, includes a frantic scene of dogs barking and fighting in the kitchen, apparently at feeding time, with Marino yelling and trying to break up the squabble.

When The Associated Press visited Angel's Gate in April, dogs were dozing on cots or playing with toys in large, bright rooms with clean tile floors. Many were disabled and some with spinal injuries dragged their hindquarters. Cats were in little cottages equipped with climbing poles, cubbyholes and scratching posts. It was apparent that remodeling had been done recently on some of the main buildings, and more construction was in progress. All of the facilities were clean and neat.

"She was very aware that the boom was about to fall" when PETA began investigating in November, Cheever said. "She put a lot of energy into cleaning up her operation. By the time I went there in May the physical plant wasn't as dirty, but was disorganized."

Rosemary Throssell, a dog breeder who provides a custom-made raw meat diet for Angel's Gate animals, said PETA's allegations are unfair.

"Those animals have a fantastic quality of life," said Throssell after she and her husband attended a brief court appearance for Marino on Wednesday.

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The video: <http://www.youtube.com/watch?vC4ntPXWHkwM>



# NY animal hospice Oprah praised shuts amid lawsuit

By MARY ESCH  
— Sep. 26 8:08 PM EDT

ALBANY, N.Y. (AP) — An animal hospice once praised by Oprah Winfrey and other celebrities is shutting down as its owner faces a lawsuit from the state attorney general charging her with failing to file financial reports.

Attorney General Eric Schneiderman said Wednesday that the Angel's Gate hospice, located 60 miles southwest of Albany in rural Delhi, has taken in hundreds of thousands of dollars a year from the public without publicly accounting for any of it, and he's seeking its dissolution.

The latest tax return filed by Angel's Gate chief executive Susan Marino is for 2008 and was filed on April 31. It shows Angel's Gate received nearly \$1.2 million in donations between 2003 and 2006.

Marino, who ran the hospice for hundreds of chronically ill and crippled dogs and cats, also faces cruelty charges stemming from a 2010 undercover investigation by People for the Ethical Treatment of Animals. She said Wednesday she's finding new homes for 180 cats and "a handful" of dogs remaining at the hospice.

"We're going to dissolve Angel's Gate," Marino said by telephone. "These past two years have been hell."

She said she's had "nothing but hate mail and death threats" since PETA posted online a video showing animals with deformed limbs, oozing sores and other ailments it alleged were left untreated by her.

"We have an auditor who has been working with our bookkeeper to get our records up to date," Marino said. "We're late in filing, but there's been no misappropriation of funds. Every penny went for the animals' care."

Donations poured in after Marino and Angel's Gate were featured on Winfrey's Chicago-based syndicated television show in 2008. In 2009, Angel's Gate won \$50,000 in a competition sponsored by Rachael Ray's pet rescue organization. Marino also had an appearance on Martha Stewart's show and was awarded an ASPCA Founders award and a Woman of Distinction honor from New York state.

But critics accuse her of being an animal hoarder and shameless self-promoter who puts on a good face for the media while animals suffer behind closed doors. PETA's undercover investigation found paralyzed dogs dragging themselves around until they had bloody skin ulcers, animals with urine scald from chronically wet diapers and animals with respiratory infections denied veterinary care.

Marino said the PETA video was edited in places to give a misleading impression, and she denied any animals were neglected.

But Kim Serino, who worked as a volunteer for Marino before Angel's Gate relocated from Long Island, just east of New York City, to Delhi in 2008, disputed Marino's assertion that the money she took in all went for animal care. She said there was inadequate veterinary care and conditions often were chaotic and filthy. On Wednesday she criticized Marino for hastily finding new homes for the animals.

"The urgency to remove the animals is Susan's choice; it's not a good choice," Serino said.

She said the animals should first be evaluated for temperament to ensure that they go to appropriate homes capable of meeting their needs.

Marino is due to appear in Delaware County Court to answer the attorney general's charges on Monday. The criminal case charging her with 22 counts of cruelty to animals has been adjourned until Oct. 30.



June 7, 1013

The New York City Council  
Committee on Health  
250 Broadway  
New York, NY

**RE: Support of Proposed Int. No. 933-A-2012—Creating an Animal Abuse Registry**

Dear Members of the Committee,

My name is Chris Green and I am the Director of Legislative Affairs at the Animal Legal Defense Fund. Having enjoyed many years in New York City, I'm a licensed attorney in the State of New York, a former member of the New York City Bar Association's Animal Law Committee, and a founding Vice-Chair of the American Bar Association's Animal Law Committee.

I am here today to whole-heartedly endorse and support Proposed Intro No. 933-A, which would establish a citywide animal abuse registry. The purpose of this vital measure is to stop convicted animal abusers from purchasing or adopting any further animals from pet shops, shelters & rescue organizations. Currently no mechanism whatsoever exists to prevent a convicted animal abuser from simply waltzing into one of these establishments, and then walking right back out with another defenseless animal to torture, sexually abuse or kill.

As you may know, Suffolk, Rockland and Albany counties already have established animal abuse registries, and similar bills are being considered in several states across the nation. Over 30 U.S. states now allow courts to ban convicted animal abusers from owning or even coming into contact with companion animals—nearly double the number of a decade ago. However the problem has always been one of enforcement, of having the necessary tools to adequately monitor these court-ordered prohibitions. Intro No. 933-A would immediately stop repeat victimization right at the source by allowing shelters & pet shops to quickly consult the City's 'do-not-adopt' database and instantly determine whether someone is legally allowed to own a companion animal or not.

In addition to the obvious societal benefit of curbing future harm to helpless animals, volumes of scientific evidence has verified a direct relationship between the criminal abuse of animals and subsequent violence against women, children and the elderly. For this reason, animal abuse is one of the four primary indicators F.B.I. profilers use to assess future violent behavior. Indeed, one 20-year study confirmed that convicted animal abusers are five times more likely to be arrested for committing violent crimes against humans. Another analysis found that in homes where children were physically abused, 88 percent of the time the family dog or cat also had been harmed. And women abused by their domestic partners are 10 times more likely to report that the partner also hurt or killed one of their beloved pets. Given this profound correlation of criminal conduct, New York's animal abuse registry would provide an effective new tool for authorities to keep track of violent offenders, and help protect this City's other vulnerable populations from harm.

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Lastly, although it may seem crass to put a price-tag on victimization, countless examples verify that by preventing future instances of animal abuse, the City of New York can save valuable resources it otherwise would spend investigating and prosecuting such crimes, and on caring for the animals who need to be removed from abusive environments. For instance, in just one recent Ohio hoarding case, the price tag for rescuing and treating the 170 animals removed from a *single home* was over \$1.2 million! When one considers that 80% of animal hoarders are likely to repeat their behavior, anything a municipality can do to identify hoarders within their borders only makes sound fiscal sense and strong social policy.

To that end, my organization, the Animal Legal Defense Fund, is today willing to pledge up to \$10,000 towards the cost of creating the animal abuse registry in New York City.

Without a doubt, almost everyone would win from implementing an animal abuse registry in the City of New York: a) the shelters, who will rest assured their animals are going to good homes; b) the animals, who will be protected from future suffering at the hands of repeat offenders; and c) law enforcement, who will have fewer animal abuse cases to devote tight resources to pursuing, while also gaining a new means by which to keep other citizens safe.

While no magic bullet exists that will end all future animal abuse, and no measure is going to be perfectly inclusive, we owe it to ourselves, our animals, and our communities to at least make it as hard as possible for convicted abusers to seek out new victims within these Five Boroughs.

On behalf of my organization's many New York supporters who feel passionately about this issue, I ask that you seriously consider the crucial need for this essential measure and vote to pass Proposed Int. No. 933-A.

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Sincerely,

Christopher Green  
Director of Legislative Affairs  
Animal Legal Defense Fund

The Animal Legal Defense Fund (ALDF), founded in 1979, is a national, nonprofit organization of attorneys specializing in the protection of animals and working to ensure the enforcement of existing animal protection laws within the United States. We enjoy a nationwide membership of over 100,000 contributing supporters and over 1,000 attorney members who volunteer to provide pro bono legal work in animal law cases throughout the nation.

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**Jenny Coffey, Pets and People in Crisis Program**

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**Mayor's Alliance for NYC's Animals**

**Hearing before the New York City Council's Committee on Health**

**June 7, 2013**

My name is Jennifer Coffey and I am a social worker for the Mayor's Alliance for NYC's Animals. We are a private, not-for-profit organization, not a part of the Mayor's Office or a City agency, and we receive no City funding. I am here to give a brief overview of several important trends contributing to the increase of animals leaving New York City's Animal Care & Control. Thank you, Chairwoman Arroyo and the Committee on Health for welcoming us here today.

Since 2003, the Mayor's Alliance for NYC's Animals has been working diligently to find innovative ways to reduce the numbers of animals entering NYC's AC&C, along with increasing the number of animals leaving the shelter through adoption placement and transfer, as well as those animals lost and reclaimed by owners. From the very beginning, our organization successfully organized the citywide animal welfare community to join forces to improve live outcomes. We helped to institute the New Hope department at AC&C, which orchestrates the transfer of animals from the shelter to rescue partners. We developed the Wheels of Hope transport initiative that physically transports thousands of animals each year from AC&C shelters to its rescue partners. When City budget cuts resulted in AC&C's Lost & Found program being discontinued, we reignited the initiative, in partnership with the ASPCA and AC&C, so that lost pets had the best chance to return to their owners. At the same time, we also began to study exactly why so many animals were entering AC&C in the first place. What we learned was startling: many of these at-risk animals were owned – belonging to individuals and families who had fallen upon hard times – particularly following the economic downturn in 2008. Many of these animals were beloved pets and considered “members of the family.” But these families were experiencing personal circumstances, such as housing problems, domestic violence, illness and mental illness – situations that prevented them from being able to care for their pets. For many, the only option seemed to be relinquishing their beloved pets to a shelter.

Pet ownership in the US is increasing. Today, more than 62 percent of US households have at least one companion animal. It is expected that some families may face difficulties from time to time, and some may also benefit from help to care for their pets. By addressing the human welfare issues in combination with animal welfare, the Mayor's Alliance's Helping Pets and People in Crisis Program explores new responses and promising interventions to help pet owners and their animals. For instance, our program recently assisted a dog named Odie who belonged to a family experiencing

domestic violence. When the family entered a safe shelter, the batterer threatened to kill the dog unless the family returned home that night. In collaboration with the human service agency, our program stepped in to rescue and provide care for the dog through a temporary foster home. We are now working with the domestic violence shelter staff regarding reuniting the family when they secure permanent housing. Another example involved an owner of a cat named Midnight. The gentleman was hospitalized because of AIDS complications. The care and boarding we gave Midnight actually allowed the man to go to the hospital and receive the medical care he desperately needed. It also gave him the peace of mind knowing that his pet was safe and he wasn't going to lose her. In these situations, and many others like them, these animals would have landed at AC&C. In this pioneering work, our goal has always been to keep families together if at all possible, and if not, to offer assistance and alternatives so that these animals never enter AC&C. Through this coordinated response, we have provided direct assistance to more than 600 cases – totaling more than 2,200 animals. Our work includes offering information and referrals, including human service programs and legal assistance, veterinary assistance, including spay/neuter and vaccinations, emergency rescue and transport, and short-term temporary boarding and foster care in some cases. We've also been educating dozens of social service programs throughout the City about the link between human welfare and animal welfare and available low-cost and no cost resources. We've advocated for collaborative responses that ensure pet owners get the help they need without abandoning their beloved family pets. Here is where we have seen success:

- Fewer than 7% of the animals we have assisted since 2007 have been surrendered to AC&C. More specifically -- that's more than 2,000 family pets from challenging situations that have been assisted and diverted from AC&C: either by putting in more supports so pets remain in their home – or rerouting these animals to partner rescue groups when circumstances fail to improve. This has enabled animal control workers at AC&C to care for animals that truly have no home.
- We are providing technical assistance, training, and support to the Urban Resource Institute's Domestic Violence Shelter. This shelter is piloting a pet welfare program as the first of its kind in New York City. By offering co-sheltering of pets with their families in shelter, the program encourages more families to escape the danger of domestic violence. And it keeps these animals out of AC&C.
- We are providing pet welfare clinics to programs for pet owners who are homeless or previously homeless and now reside in pet-friendly supportive housing programs, including Common Ground's Prince George residence. This assistance engages an already at-risk community about something they care about – and a public health response, too. These animals are spayed or

neutered and vaccinated, and we have encouraged every pet parent to identify an emergency contact if they are unable to care for their pet briefly.

- And, finally, in collaboration with the Animal Planning Task Force of the NYC Office of Emergency Management, we have responded to hundreds of calls for assistance following Super-Storm Sandy. Through the Office of Emergency Management, pets are now officially welcome with their owners in City-wide evacuation centers. By offering co-sheltering during this emergency and finding auxiliary space for owned pets, we ensured that these animals never entered AC&C shelters. We ensured the safety of hundreds of pets and their owners, and we also saved millions of dollars in emergency response costs.

These innovative responses have contributed to keeping the intake at AC&C lower than it otherwise would be – and simultaneously increasing the number of animals being outcomed alive. But these programs are for the most part privately funded and operated. The New York City Council can be instrumental in helping to further reduce animal intake at AC&C, first by understanding the link between human welfare and animal welfare, and then by advocating for and recommending that programs funded through City contracts recognize the opportunity to address pet welfare in their work. For instance, you have the power to recommend that more programs follow in the footprints of Urban Resource Institute's new pet program offering co-sheltering – and by doing this, you can ensure that being a family with a pet is no longer a barrier to seeking safety and assistance here in New York City.

**NEW YORK  
CITY BAR**

Contact: Maria Cilenti - Director of Legislative Affairs - mcilenti@nycbar.org - (212) 382-6655

**TESTIMONY ON BEHALF OF  
THE COMMITTEE ON ANIMAL LAW  
REGARDING RESOLUTION NO. T2013-6368**

**NEW YORK CITY COUNCIL  
COMMITTEE ON HEALTH  
JUNE 7, 2013**

Good morning. My name is Martha Golar. I am here on behalf of the New York City Bar Association Committee on Animal Law. I appreciate this opportunity to express our support for Resolution No. T2013-6368, a resolution calling on the New York State Legislature to pass and the Governor to sign Assembly Bill No.740/Senate Bill No. 3753.

The state bill would amend section 407 of the Agriculture and Markets Law and section 753-d of the General Business Law to authorize municipalities to enact local laws, ordinances, and regulations governing pet dealers and concerning public health, safety, and consumer protection relating to the sale of dogs and cats by pet dealers, so long as the local law is consistent with and more stringent than the provisions of state law. The state bill would repeal section 400-a of the Agriculture and Markets Law and section 753-e of the General Business Law which expressly preempt municipalities from enacting consumer-protection laws relating to pet dealers. If a municipality enacts a more stringent law, the municipality would be responsible for its enforcement.

The state's current statutory scheme restricts the City from adequately protecting animals and consumers and results in confusing and unnecessarily complicated local regulations. The problem stems in part from a gap in state law—the Agriculture and Markets Law and General Business Law regulate only persons who sell dogs and cats. (State law defines a “pet dealer” as a person who sells or offers to sell more than nine dogs and/or cats to the public per year or a person who sells or offers to sell 25 or more dogs and/or cats from his/her residential premises.)

State law regulating pet dealers does not cover pet stores that sell other kinds of common pets such as birds, fish, rabbits, and reptiles. There are many pet stores in New York City that sell these kinds of animals.

In an apparent effort to fill that gap and to provide additional protection to consumers and animals, Article 161 of the New York City Health Code includes a permitting and regulatory scheme for pet stores. City-regulated pet stores are subject to requirements concerning training, sanitary conditions, self-inspections and record keeping, precautions concerning animals with communicable diseases, the provision of dog license applications, and animal housing. But due to state law preemption, persons who exclusively sell dogs and/or cats are exempt from the City's requirements.

The following examples illustrate how arbitrary the current regulatory scheme is in New York City: A consumer that buys a puppy from a pet shop in Queens that sells dogs exclusively is protected by state law. A consumer that buys a puppy from a pet shop in the same neighborhood that also sells pet birds is protected by state and local law. And a consumer that buys a parakeet from the store that sells dogs and birds is protected by local law only. There is no reason why consumers or animals should be treated so differently.

The regulation of pet stores falls squarely within the City's home rule authority to enact laws that concern "government, protection, order, conduct, safety, health and well-being of persons or property" in the municipality, including the "licensing of occupations." Indeed a number of other New York State laws concerning animals and consumer protection do not preempt municipalities from enacting more stringent local laws. For example, state law authorizes municipalities to enact laws concerning the operation of spay/neuter facilities, dogs running at large and their seizure, the licensing and requirements of process servers and the licensing and requirements of home improvement contractors.

For these reasons, the Animal Law Committee urges the City Council to pass the resolution.

Attachment: New York City Bar Animal Law Committee Report on A.740/S.3753

**NEW YORK  
CITY BAR**

Contact: Maria Cilenti - Director of Legislative Affairs - mcilenti@nycbar.org - (212) 382-6655

**REPORT ON LEGISLATION BY THE  
ANIMAL LAW COMMITTEE**

**A.740  
S.3753**

**M. of A. Rosenthal  
Sen. Grisanti**

AN ACT to amend the agriculture and markets law and the general business law, in relation to the preemption of local laws; and to repeal section 400-a of the agriculture and markets law and section 753-e of the general business law relating thereto.

**THIS LEGISLATION IS APPROVED.**

**1. SUMMARY OF THE PROPOSED LAW**

Assembly Bill No.740/Senate Bill No. 3753 would amend section 407 of the Agriculture and Markets Law and section 753-d of the General Business Law to authorize municipalities to enact local laws, ordinances, and regulations governing pet dealers and concerning public health, safety, and consumer protection relating to the sale of dogs and cats by pet dealers, so long as the local laws, ordinances, and regulations are consistent with and more stringent than the provisions of Article 26-A of the Agriculture and Markets Law ("Ag & Mkts Law") and Article 35-D of the General Business Law ("GBL"). Under the proposed legislation, if a municipality enacts a more stringent local law, ordinance, or regulation, the municipality would be responsible for its enforcement. The proposed legislation would also repeal section 400-a of the Agriculture and Markets Law and section 753-e of the General Business Law which preempt municipalities from enacting laws relating to pet dealers.

**2. SUMMARY OF EXISTING LAW**

Article 26-A of the Ag & Mkts Law and Article 35-D of the GBL govern "pet dealers." The law defines a "pet dealer" as a person who sells or offers to sell more than nine dogs and/or cats to the public per year or a person who sells or offers to sell 25 or more dogs and/or cats from his/her residential premises.<sup>1</sup>

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<sup>1</sup> Ag & Mkts Law § 400 and GBL § 752.

Article 26-A of the Ag & Mkts Law sets forth minimum standards of animal care, record-keeping requirements, license requirements for pet dealers, inspections by the New York State Department of Agriculture and Markets, and a schedule of violations. Section 401 of the Ag & Mkts Law includes requirements about animal housing, the pet dealer's facility, sanitation, feeding and watering, humane handling, veterinary care, and euthanasia. Article 35-D of the GBL also governs pet dealers and provides that consumers may return dogs and cats purchased from a pet dealer that are "unfit for purchase," requires a veterinary examination by the dealer, requires the dealer to disclose certain congenital conditions, requires the dealer to provide information to a purchaser of a dog or a cat, and provides for penalties.

Section 400-a of the Agriculture and Markets Law and section 753-e of the GBL expressly preempt municipalities from enacting laws regulating pet dealers.

### 3. THE COMMITTEE SUPPORTS THE PROPOSED LEGISLATION

Only pet stores that sell dogs and cats are covered by Article 26-A of the Ag & Mkts Law and Article 35-D of the GBL. Businesses that sell other kinds of pets, such as birds, rabbits, fish, and reptiles, are not covered by Article 26-A of the Ag & Mkts Law and Article 35-D of the GBL.<sup>2</sup> Accordingly, the preemption provision of section 400-a of the Agriculture and Markets Law and section 753-e of the GBL only applies to pet dealers (i.e., pet stores that sell dogs and cats).

As a result of this regulatory scheme, New York State municipalities are limited in enacting local laws and regulations governing pet stores selling dogs and cats. This situation creates a hardship for municipalities, which may seek to enact more stringent rules or regulations based on local community needs. As noted in the sponsors' justification memo, "[i]n order to protect the health and safety of residents in their communities, municipalities should not be prohibited from enacting laws, rules, regulations, or ordinances governing pet dealers as long as such laws, rules, regulations or ordinances are not less stringent than state law."

Additionally, because the preemption language of section 400-a of the Agriculture and Markets Law and section 753-e of the GBL only applies to pet dealers and does not apply to businesses that sell animals other than dogs and cats, the existing regulatory scheme has also resulted in gaps and inconsistencies in the regulation of pet stores throughout the State. For example, to ensure that all kinds of animals sold as pets and the consumers who buy them are protected, New York City has attempted to create its own permitting scheme for pet shops. But because state law preempts the regulation of pet dealers who sell dogs and cats, New York City's Law includes an illogical exemption that requires pet shops to obtain a permit from the Commissioner of Health and Mental Hygiene unless the pet shop "exclusively sells dogs and cats and is regulated by Article 26-A of the Agriculture and Markets Law."<sup>3</sup> City-regulated pet shops are subject to

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<sup>2</sup> A few state laws cover sales of certain other animals commonly kept as pets. Ag & Mkts Law section 354 covers the sale of baby chicks, ducklings, and fowl and baby rabbits under two months of age and GBL section 391-n requires that a seller of reptiles provide a notice to the buyer.

<sup>3</sup> 24 RCNY § 161.09(a)(1).

requirements concerning training,<sup>4</sup> sanitary conditions,<sup>5</sup> self-inspections and record keeping,<sup>6</sup> precautions concerning animals with communicable diseases,<sup>7</sup> the provision of dog license applications,<sup>8</sup> and animal housing.<sup>9</sup> As a result of the current regulatory scheme, a consumer that buys a puppy from a pet shop in Queens that sells dogs exclusively is protected by state law. A consumer that buys a puppy from a pet shop in the same neighborhood that also sells pet birds is protected by state and local law. And a consumer that buys a parakeet from the store that sells dogs and birds is protected by local law only.

By allowing municipalities to enact laws relating to pet dealers so long as such laws and regulations are consistent with and more stringent than the provisions of Article 26-A of the Ag & Mkts Law and Article 35-D of the GBL, the proposed legislation would prevent inconsistencies in regulation of pet stores and permit local municipalities to enact laws that best suit the needs of their local communities.

#### 4. MUNICIPAL HOME RULE

Municipalities have the authority to adopt local laws to the extent that they do not conflict with general laws and are not preempted by a state statute.<sup>10</sup> Specifically, under Municipal Home Rule Law (“MHRL”) section 10(1)(ii)(a)(12), municipalities may enact laws that concern “government, protection, order, conduct, safety, health and well-being of persons or property” in the municipality, including the “licensing of occupations.” The sale of animals and the licensing of pet sellers fit squarely into this authority. As noted in the sponsors’ justification memo, the proposed legislation “would make Article 26-A of the Agriculture and Markets Law consistent with many other animal related state laws . . . which do not preempt municipalities from enacting local laws, rules, regulations or ordinances pertaining to animals within their jurisdiction.” Indeed a number of other New York State laws concerning animals and consumer protection do not preempt municipalities from enacting more stringent local laws. For example, state law authorizes municipalities to enact local laws, ordinances, and regulations concerning the operation of spay/neuter facilities,<sup>11</sup> dogs running at large and their seizure,<sup>12</sup> the licensing and require-

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<sup>4</sup> 24 RCNY § 161.09(f).

<sup>5</sup> 24 RCNY § 161.11.

<sup>6</sup> 24 RCNY § 161.13.

<sup>7</sup> 24 RCNY § 161.15(d).

<sup>8</sup> 24 RCNY § 161.15(b).

<sup>9</sup> 24 RCNY § 161.17.

<sup>10</sup> New York State Constitution Art. IX, § 2(c); MHRL § 10.

<sup>11</sup> Ag & Mkts Law § 116.

<sup>12</sup> Ag & Mkts Law § 122.

ments of process servers<sup>13</sup> and the licensing and requirements of home improvement contractors<sup>14</sup>.

## 5. CONCLUSION

For the foregoing reasons, the Committee supports the proposed legislation.

June 2013

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<sup>13</sup> GBL § 89-jj.

<sup>14</sup> GBL § 775.



**THE HUMANE SOCIETY  
OF THE UNITED STATES**

June 7, 2013

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Honorable Maria del Carmen Arroyo  
Chair, Health Committee  
New York City Council  
City Hall  
New York, NY 10007

**RE: A.740/S.3753 -Allows Municipalities To Regulate Pet Dealers As Long As the Law,  
Rule, Regulation, Or Ordinance Is Not Less Stringent Than State Law**

Dear Chairwoman Arroyo and Committee Members,

My name is Brian Shapiro, New York State Director for The Humane Society of the United States, the nation's largest animal protection organization. Thank you for the opportunity to present the following testimony.

Puppy mills are large-scale commercial dog breeding operations that mass-produce puppies for sale in pet stores and over the internet. Focused solely on making a profit, these facilities keep dogs in crowded, filthy conditions where they receive little or no socialization, affection, or exercise. Dogs live their entire lives in small crates or cages, often never setting foot on solid ground, never receiving a kind touch or a scratch behind the ear, churning out litter after litter of puppies until they are "spent." They receive little or no socialization and often exhibit severe behavioral and genetic abnormalities. When they no longer produce a profit, they are simply discarded or killed. The lack of proper health screening and careless breeding at puppy mills often results in inherited health issues that trickle down to the unborn puppies, who are sold to unwitting customers.

In other states, municipalities, cities and towns retain the right to regulate puppy mills and pet stores to meet their own community standards. Not so in New York State. The HSUS urges The Health Committee to support efforts that will allow local governments to exercise their home rule authority to regulate pet dealers. We strongly support calling on the New York State Legislature to pass and the Governor to sign A.740/S.3753.

Thank you for the opportunity to share this information.

Sincerely,

*Brian Shapiro*

Brian Shapiro  
New York State Director

Celebrating Animals | Confronting Cruelty



**THE HUMANE SOCIETY  
OF THE UNITED STATES**

June 7, 2013

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Lona Williams

Honorable Maria del Carmen Arroyo  
Chair, Health Committee  
New York City Council  
City Hall  
New York, NY 10007

RE: A.2046/S.5048

Modernizes animal control and dog licensing laws in the City of New York

Dear Chairwoman Arroyo and Committee Members,

My name is Brian Shapiro, New York State Director for The Humane Society of the United States, the nation's largest animal protection organization. Thank you for the opportunity to present the following testimony.

The HSUS supports New York City's efforts to update and streamline its licensing regulations, while at the same time boosting support for the Animal Population Control Fund.

In the spirit of "Home Rule" we recognize the right of the city to create and maintain a licensing program best suited for its own needs. We believe that the need for a reliable revenue stream will be balanced with a push for increased compliance with licensing laws and the educational outreach needed to reach these goals.

We encourage the city to increase such compliance with licensing laws in order to protect both animals and community safety. We support effective public outreach with information and details on new regulations which will hopefully lead to more "spay/neuter" of companion animals – which is a goal shared by all.

The HSUS supports this resolution calling for the passage of A.2046/S.5048.

Thank you for the opportunity to share this information.

Sincerely,

*Brian Shapiro*

New York State Director



**STATEMENT OF ESTHER KOSLOW  
FOR SHELTER REFORM ACTION COMMITTEE  
TO THE NYC COUNCIL HEALTH COMMITTEE**  
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[info@shelterreform.org](mailto:info@shelterreform.org)

June 7, 2013

Good afternoon. My name is Esther Koslow and I represent Shelter Reform Action Committee.

The Department of Health versus Animal Care

I don't have a prepared statement because I wanted to hear what other speakers had to say today, in particular, representatives of the Department of Health. The reason we're here today is because of this Committee's oversight of the Department of Health. We also discuss NYC's Animal Care and Control because of a decision by a line of Mayors to select the Department of Health to be in control of Animal Care & Control.

But the problem is that the Department of Health is a poor choice for anything having to do with the care of animals. It's not because Health Department employees are mean people. It's because they are part of a bureaucracy that has no mandate to ensure the proper care of animals.

As a result, the Department of Health has no incentive to ensure proper conditions at the AC&C. Every week Department of Health inspectors go into AC&C shelters, but there's never been an adverse condition they've seen that they couldn't ignore.

Dog Licensing

The Department of Health has also been in control of dog licensing since 1995 ... when that responsibility was taken away from the ASPCA when the ASPCA stopped running NYC's shelter system. Since then, dog licensing compliance has plummeted. For years the DOH has claimed that it has a 20% licensing compliance rate ... as if 20% were something to brag about. The ASPCA has disputed that 20% figure. The compliance rate is far, far less.

You might remember that 3 years ago this Committee was considering whether to increase to \$34 the surcharge fee for licensing unfixated dogs. At that time Deputy Commissioner Daniel Kass testified about his unease with that increase. He said that pet owners might be unwilling to pay that increased amount and compliance would decrease.

The surcharge increase went into effect and dog licensing compliance went down, but NOT for the reason cited by Mr. Kass. It's because there's no incentive or interest by the Department of Health to allocate resources to increase compliance.

It's also because of a lack of imagination.

The Calgary Model

That's why I was hoping we'd discuss today *real* incentives to increase licensing compliance. By the way, an extraordinary shelter manager, Bill Bruce of Calgary, Canada – came to New York City in February 2012 and talked with DOH representatives about how to increase compliance. He told them how important it is to give value to pet owners for licensing their pets. The trick is to have local stores and large chains offer discounts to people bearing an official card showing their pet has a current license. It's not only pet shops and pet supply stores that are involved. In Calgary, movies theaters, restaurants, grocery stores, clothing stores and the like participate. In just a week or two, a pet owner can make back in discounts what he or she paid for a license. Also, if a pet is picked up as a stray but has a current license, the Calgary shelter will take that pet directly home to the owner ... with no stop at the shelter. That's real service.

Because Calgary pet owners receive value for licensing their pets, there's a built in incentive for them to comply.

But here in New York, we've never done anything like this and there doesn't seem to be any interest either. As I listened today to Mr. Kass, the Department of Health seems to be focused on incentivizing vet clinics and pet stores to issue licenses. What's really needed is to incentivize pet owners.

### AC&C Funding and Licensing Fees

Today we've heard people talk about AC&C funding. For example, a representative of the Humane Society of New York urged that we must ensure that the Department of Health does not use licensing fees collected as an offset against what the Department of Health promised to give the AC&C. These licensing revenues should be *in addition* to previously promised funds.

Of course, if the DOH is barred from using these extra monies as an offset, why should they even bother? And they won't bother.

So, ultimately the real problem is that the Department of Health shouldn't be in charge of dog licensing.

What we need is a shelter system that's in direct charge of licensing and has a *real* incentive to encourage compliance. Licensing compliance goes up and more money comes.

Of course, we might never have as successful a licensing program as Calgary does. Calgary's shelter system is funded solely by the license fees for dogs and cats. (Yes, Calgary requires that *cats* be licensed, too.)

But at least we'd have a substantial and steady source of revenue and we would know where the money is going: into running the shelter. But New York City doesn't have that assurance.

### Auditing the DOH

No one has ever audited how the Department of Health spends the monies it collects from license fees, including their management of the "Animal Control Population Fund" whose monies come from the surcharge for unfixed dogs. No one has audited the Health Department's claimed "administrative" costs which they deduct from the fees collected.

Mr. Kass has told this panel that the \$8.50 licensing fee for a fixed dog doesn't come near to cover their actual costs. Granted, the \$8.50 fee hasn't been increased in many years and it should be increased. But increasing the fee will do nothing for compliance. There won't be any positive effect as long as the Department of Health is in charge.

I must agree with Councilmember Peter Vallone that the DOH's history has always been one of disinterest with animal care. Animal care doesn't enter into the Health Department's bureaucratic interests. Instead, what NYC needs is a Department of Animal Affairs.

## Local Law 59 and Funding

Further as regards funding, the AC&C needs a lot more money than what the DOH promised two years ago to ensure passage of Local Law 59. At this Committee's April 2013 hearing and even today, both the ASPCA and the Mayor's Alliance clear: much more money is needed than what the Department of Health has promised to give.

So, where's that extra needed money going to come from? The AC&C cannot do the necessary fundraising because people aren't going to donate to a shelter system that's run by the City.

That's what taxes are for.

So, what's needed is an independent shelter system run by extraordinary and committed individuals who will bring in the necessary additional monies. As long as the AC&C is effectively controlled by the City and its appointees, the AC&C will never have the proper finances.

## "Live Outcomes"

Finally, one of the subjects on today's agenda was "live outcomes" at the AC&C.

But I'd like to talk about "sick outcomes." The rate of illness and disease at the AC&C wasn't discussed by either the DOH or AC&C representatives today. We still have a shelter where almost 100% of the animals get sick from diseases they contract at the AC&C. Sometimes the disease is just a mild cold; sometimes it will kill the animal. Now that the AC&C has suddenly become interested in increasing direct adoptions to the public, those shelter diseases, are going to be widely disseminated throughout NYC. As a result we are creating a public health hazard, but the Department of Health doesn't seem to care.

One anecdote. Three years ago the PetSmart store on East 116<sup>th</sup> Street in Manhattan offered to take AC&C cats, be responsible for their care and adopt them to the public. All the AC&C had to do was ship cats directly from the shelter to the store.

No good deed goes unpunished.

The problem was that the AC&C cats were all sick. Some arrived looking obviously sick. Some looked okay but fell ill a few days later. One or two died. PetSmart employees were distressed at the cats' conditions. They weren't prepared to nurse sick cats.

To make matters worse, Department of Health inspectors spotted the sick cats and fined PetSmart. And the inspectors kept returning and kept fining PetSmart. It was easy money for the DOH. The irony of course is that these cats were sick *because* of the Department of Health. After all, the DOH controls the AC&C.

Anyway, after a few weeks PetSmart ended this disastrous relationship with the AC&C.

Three years later and the AC&C still doesn't have a handle on controlling disease. I didn't hear a word about whether the AC&C has hired a Medical Director, about which Chairperson Arroyo questioned Risa Weinstock repeatedly at the April 2013 hearing.

Apparently the AC&C won't have a Medical Director anytime soon. I was informed that recently the AC&C posted a new ad for Medical Director on an online job posting site.

Disease and the absence of a Medical Director are two additional subjects that bear further discussion.

Thank you.

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/7/13

(PLEASE PRINT)

Name: Martha Robinson

Address: Associate General Counsel

I represent: New York City Department

Address: of Health and Mental Hygiene

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/7/13

(PLEASE PRINT)

Name: Jennifer Coffey - not speaking

Address: 268 East Broadway ASOB NY NY

I represent: Mayor's Alliance NYC Animals

Address: 244 5th Ave Suite 290 NY NY

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/7/13

(PLEASE PRINT)

Name: Esther Koslow

Address: 588 West NYC NY

I represent: Shelter Reform Action Committee

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 933-A Res. No. Crowley/Kaplan  
 in favor  in opposition  
Date: 6/7/13 Arrigo/teej

(PLEASE PRINT)

Name: Allie Feldman  
Address: 160 West End Ave #2H NY NY 10023  
I represent: NYCLASS  
Address: 39 Broadway #1740 NY NY 10006

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition  
Date: 6/7/13

(PLEASE PRINT)

Name: Danise Diaz  
Address: 191 Purchase St Rye NY 10580  
I represent: myself  
Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 933-A Res. No. \_\_\_\_\_  
 in favor  in opposition  
Date: 6-7-13

(PLEASE PRINT)

Name: CHRIS GREEN  
Address: 170 E. COTATI AVE, COTATI, CA 94931  
I represent: THE ANIMAL LEGAL DEFENSE FUND  
Address: SAME

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 933 + other matters Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Elinor Molberg

Address: H

I represent: Humane Society of NY

Address: 306 E 59<sup>th</sup> Street, NY NY 10022

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: June 7, 2013

(PLEASE PRINT)

Name: JANE HOFFMAN

Address: 240 5<sup>th</sup> Ave Suite R290 NYC 10001

I represent: MAYOR'S ALLIANCE FOR NYC'S ANIMALS

Address: "

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 6/7/13

(PLEASE PRINT)

Name: Covi Merkin

Address: 520 8<sup>th</sup> Ave

I represent: ASPCA

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/7/13

(PLEASE PRINT)

Name: Michelle Villagomez

Address: 570 8th Ave

I represent: ASPCA

Address:

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/7/13

(PLEASE PRINT)

Name: Allison Cardona

Address: 570 8th Ave

I represent: ASPCA

Address:

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/7/13

(PLEASE PRINT)

Name: Daniel Kass

Address: Deputy Commissioner, Environmental Health

I represent: ~~ASPCA~~ New York City Department of Health

Address: and Mental Hygiene

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THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/7/13

(PLEASE PRINT)

Name: Risa Weinstein

Address: Executive Director

I represent: Animal Care and Control of New

Address: York City

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. <sup>T2013-</sup>6366 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6-7-13

(PLEASE PRINT)

Name: MARTHA GOLAN\*

Address: 150 E 56th St NY NY

I represent: New York City Bar Association

Address: W. 44th St NY NY

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 740 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Dianne Malone

Address: KCDA

I represent: Kings Co. D.A. Office

Address: 350 Jay St Brooklyn

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**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition  
~~PRESCRIPTIONS~~  
EXEMPTION PET DISCRET  
LICENSING

Date: 6/7/15

(PLEASE PRINT)

Name: BRIAN SHAPIRO

Address: \_\_\_\_\_

I represent: HUMANE SOCIETY OF THE UNITED STATES

Address: 8 PINE GROVE ST. WOODSTOCK, NY 12494

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/7/2011

(PLEASE PRINT)

Name: Brian Park

Address: 350 5th St. Park

I represent: D.A. Hyman

Address: \_\_\_\_\_

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**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Emily E (PETA) McCoy

Address: 80 Chambers St.

I represent: People for the Ethical Treatment of Animals

Address: 501 Front St.  
Norfolk VA 23510

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/22/13

(PLEASE PRINT)

Name: Roxanne Pelgado

Address: 1120 Pelham Parkway

I represent: Self

Address: BRAX

Please complete this card and return to the Sergeant-at-Arms