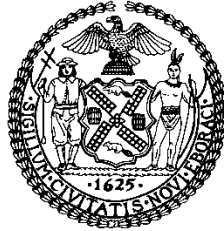


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THE COUNCIL

COMMITTEE REPORT OF THE HUMAN SERVICES DIVISION

Robert Newman, Legislative Director

COMMITTEE ON HEALTH

Hon. Maria del Carmen Arroyo, Chair

August 21, 2012

PRECONSIDERED INT NO. :

By Council Member Lappin

TITLE:

A Local Law to amend the administrative code of the city of New York, in relation to trap-neuter-return information and activities in the city of New York.

ADMINISTRATIVE CODE:

Amends sections 17-804 and 17-807.

INTRODUCTION

On August 21, 2012, the Committee on Health, chaired by Council Member Maria del Carmen Arroyo, will vote on Preconsidered Int. No. ____, a local law to amend the Administrative Code of the City of New York, in relation to trap-neuter-return information and activities in the City of New York. The Committee previously conducted a hearing on this legislation on August 17, 2012. Representatives from the New York City Department of Health and Mental Hygiene (“DOHMH”), animal advocacy organizations, and other concerned members of the community testified on this legislation.

BACKGROUND

On September 21, 2011, the New York City Council passed Local Law 59, which implemented various reforms to New York City’s animal shelter system.¹ One of these reforms required the DOHMH to promulgate rules providing for the registration of individuals or groups conducting trap-neuter-return (TNR) activities, as well as the establishment of criteria for such registration.² TNR is a strategy that is utilized to humanely and effectively manage feral cat populations and colonies.³ The TNR process begins by trapping the cats in a colony, then neutering the cats, identifying them through eartipping, vaccinating them for rabies, and finally, releasing them back into their territory.⁴ While New York City does not directly provide TNR services, many animal advocacy organizations, including but not limited to the Mayor’s Alliance for New York City’s Animals, Neighborhood Cats, the American Society for the Prevention of

¹ L.L. 59 of 2011.

² Id.

³ American Society for the Prevention of Cruelty to Animals, Trap, Neuter, Return, <http://www.aspca.org/aspca-nyc/animal-rescuers/trap-neuter-return.aspx> (last visited Aug. 13, 2012).

⁴ Neighborhood Cats, TNR Handbook: A Guide to Trap-Neuter-Return for the Feral Cat Caretaker (2004), http://www.neighborhoodcats.org/uploads/File/Resources/TNR%20Handbook_low%20res_2.pdf (last visited Aug. 13, 2012).

Cruelty to Animals, as well as a host of other animal welfare organizations and advocates, provide these services throughout the five boroughs.

PRECONSIDERED INT. NO. ____

Preconsidered Int. No. ____ would amend several sections of Chapter 8 of Title 17 of the Administrative Code. Section 1 of the bill would amend section 17-804 by adding a new subdivision e, which requires the Department of Health and Mental Hygiene to post and maintain on its website a regularly updated list of organizations in New York City that offer TNR information and conduct TNR activities.

Section 2 of Preconsidered Int. No. ____ would amend section 17-807, to remove the requirement that the Commissioner of DOHMH promulgate rules for the registration of individuals or groups conducting TNR activities and establish criteria for such registration.

Section 3 of Preconsidered Int. No. ____ would amend Local Law 59 of 2011, by removing the requirement that the Commissioner of DOHMH promulgate the rules required by section 17-807 of the administrative code of the city of New York within 180 days after its enactment into law.

Preconsidered Int. No. ____ would become effective immediately and shall be deemed to have been in full force and effect on September 21, 2011, although the requirement that DOHMH post and maintain on its website a regularly updated list of organizations in New York City that offer TNR information and conduct TNR activities would become effective 30 days after enactment.

Preconsidered Int. No.

By Council Member Lappin

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to trap-neuter-return information and activities in the city of New York.

Be it enacted by the Council as follows:

Section 1. Section 17-804 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

e. The department shall post and maintain on its website a regularly updated list of organizations in New York city that offer trap-neuter-return information and conduct trap-neuter-return activities.

§ 2. Section 17-807 of the administrative code of the city of New York, as amended by local law number 59 for the year 2011, is amended to read as follows:

§ 17-807 **Rules.** The commissioner [shall] may promulgate such rules as are necessary for the purposes of implementing and carrying out the provisions of this chapter[,including rules providing for the registration of individuals or groups conducting trap-neuter-return activities, and the establishment of criteria for such registration].

§ 3. Section 10 of local law number 59 for the year 2011 is amended to read as follows:

§ 10. This local law shall become effective immediately[; provided, however, that the commissioner shall promulgate the rules required by section 17-807 of the administrative code of the city of New York, as amended by section 7 of this local law, within 180 days after its enactment into law].

§ 4. This local law shall become effective immediately and shall be deemed to have been in full force and effect on September 21, 2011; provided, however, that the amendments made to

section 17-804 of the administrative code of the city of New York by section one of this local law shall become effective thirty days after the enactment of this local law.

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8/6/12- 12:00 pm