



**Testimony**

of

**Mario Merlino**  
**Assistant Commissioner, Veterinary and Pest Control Services**  
**Division of Environmental Health**  
**New York City Department of Health and Mental Hygiene**

before the

**New York City Council Committee on State and Federal Legislation**

On the

**Proposed Resolution to Support Legislation Enhancing Shelter Services in New York City**

**May 12, 2014**  
**Committee Room – City Hall**  
**New York City**

Good morning Chairwoman Koslowitz and members of the Committee. My name is Mario Merlino, and I am the Assistant Commissioner for Veterinary and Pest Control Services in the Division of Environmental Health at the New York City Department of Health and Mental Hygiene. I am joined here today by Corinne Schiff, Director of Special Projects, in the Division of Environmental Health. Thank you for inviting me to testify in support of the Council's Home Rule message in support of A2046 and S5048, legislation that would enhance shelter services in New York City, by allowing the City to set the dog license fee.

The Department has pursued this legislation because its enactment would enable the Department to modernize its dog licensing program, increase the proportion of dogs that are licensed, and raise critical revenue to support the animals cared for in the City's animal shelters.

Let me briefly review a few key reasons that we support the bill:

- **NYC should have the same authority as other NY localities.**

The New York State Agriculture and Markets law directs localities to issue dog licenses and authorizes them to charge an amount they see fit, but NYC different from all other municipalities in that it is governed by an unconsolidated law enacted in *1894*, and not this Agriculture and Markets statute. The 1894 law mandates that the City issue dog licenses, but prohibits the City from establishing the license fee. This legislation would establish a uniform approach to dog licensing around the state.

- **The license fee was intended to fully support Animal Care and Control activities, but no longer covers even the cost of issuing the license**

A license for altered dogs in New York City costs dog owners only \$8.50, an amount that has not changed since 1974, and it is now - as you can see from the graph at the bottom of my written testimony - one of the lowest of any major city in the country.

The revenue generated by dog licensing was intended to help defray the cost of the animal care and control program, but because it has remained \$8.50 for forty years, it no longer even covers the costs of issuing the license. This legislation would allow the New York City Council, working the Department, to set an appropriate dog license fee.

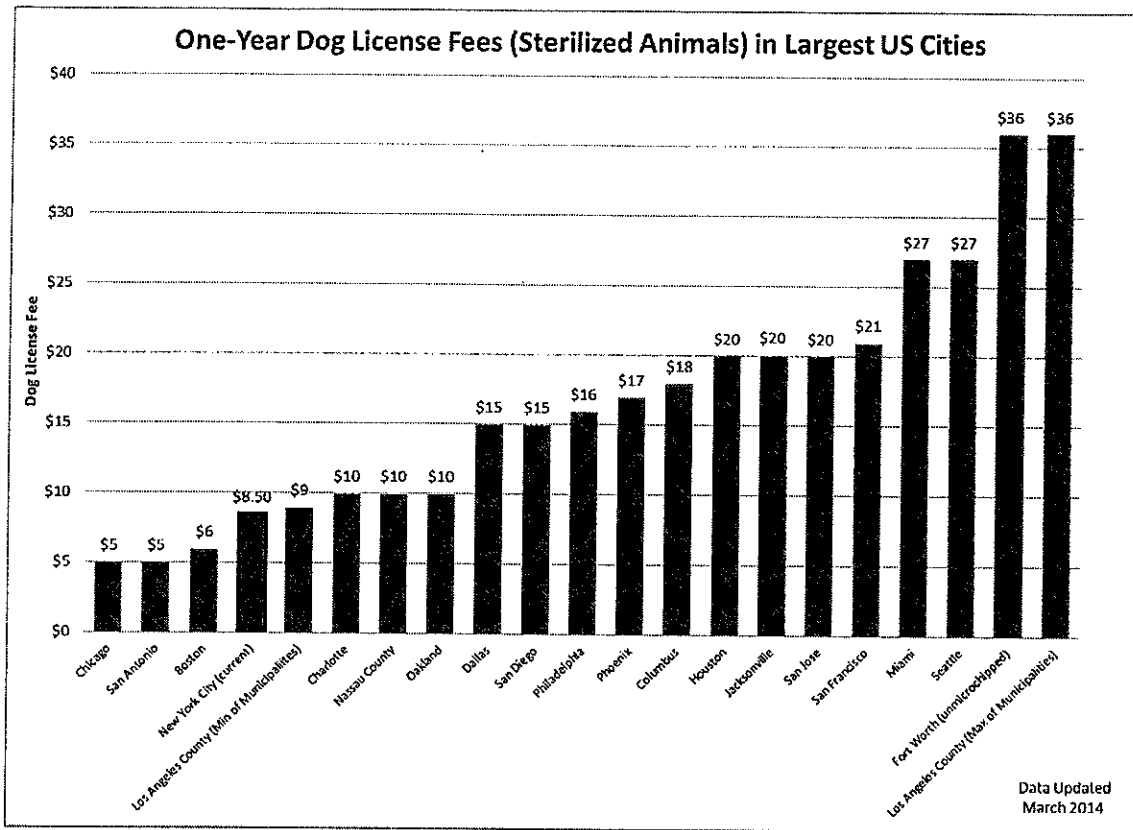
- **New York City will seek local legislation to raise revenue and enable improved animal care services.**

If the legislation is enacted, New York City will seek local legislation to set a reasonable license fee and generate revenue needed to support improvements underway in the city animal shelters. Thanks to the City Council, the Department has increased the budget for Animal Care & Control, the non-profit under contract to operate animal shelters, already by more than two-thirds and by 2015, by 77 percent, improving veterinary care and shelter maintenance. These enhancements make sheltered animals more likely to be placed in new homes.

- **Obtaining a license will be easier for dog owners**

The legislation will make it easier for dog owners to obtain licenses in a variety of ways. The legislation would provide added incentives for third parties to issue licenses, and we will work to facilitate licensing at points of sale, such as veterinary clinics and pet events. The City will improve on-line licensing, streamlining it to enable dog owners to certify the spay/neuter status of their dog, and to, if they wish, purchase a multi-year license.

Thank you for the opportunity to testify.





THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

Michelle Villagomez  
NYC Legislative Director

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American Society for the Prevention of Cruelty to Animals

*Hearing before the Committee on State and Federal Legislation*

May 12, 2014

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 70,000 New York City supporters I would like to thank the Committee on State and Federal Legislation and Madam Chairwoman Koslowitz for holding this hearing to discuss legislation at the state level which would impact New York City's animals and the people that care for them.

The ASPCA supports the Mayor's Message requesting the State legislature 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.

The ASPCA advocates for programs that provide incentives to the public to spay/neuter their companion animals. We previously supported legislation at the state and local level that allowed 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. A. 2046/ S. 5048 would accomplish these objectives.

The proposed legislation aims to modernize New York City's outdated dog licensing laws and establish a dedicated revenue stream for its animal population control program. Specifically, it would allow New York City to set its base dog 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 must continue to work to increase compliance with the dog licensing requirement. According to the Fiscal Year 2013 Mayor's Management Report- 83,000 licenses were issued (less than FY 2012, when it issued 93,000). Failure to implement an effective dog licensing program has resulted in a loss to the City of millions of dollars in revenue annually; pending legislation would increase these revenues further if compliance is encouraged and enforced.

We must ensure that the new base dog license fee is reasonable so that it does not inadvertently result in a barrier to licensing. We look forward to providing helpful and creative input when the Council considers restructuring the licensing protocol/ fee schedule.

I respectfully urge you to support the Mayor's Message and thank you for your time.



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

**Before the**

**New York City Council Committee on State and Federal Legislation**

**on**

**A2046-2013 and S2046-2013**

**May 12, 2014**

**10:00 a.m.**

**250 Broadway, 16<sup>th</sup> Floor  
New York, NY**

Good morning Chairperson Koslowitz and members of the Committee on State and Federal Legislation. My name is Risa Weinstock and I am the Executive Director and General Counsel of Animal Care & Control of NYC ("AC&C"). I am testifying in support of A2046-2013 and S2058-2013 and the proposed legislative efforts to address the current deficiencies with respect to licensing of dogs in NYC. A valid dog license is one of the smartest and responsible decisions a dog owner can make. Having taken in 11,726 dogs into our care in 2013, AC&C welcomes this legislation. A valid license would have enabled us to more efficiently and quickly identify the owner of a lost or stray dog. Every legislative effort to help AC&C get more animals out of the shelter system sooner, or that enables City Council to increase financial support for the services AC&C provides, will serve to improve the health and welfare of the pets and people of NYC.

Let me take a few moments to explain a little bit about Animal Care & Control of New York City in order to put our perspective on this legislation into better context. AC&C is one of the largest animal welfare organizations in the Northeast, and unique in the animal welfare community of NYC because we are the only organization that takes in and cares for more than 30,000 animals each year in the five boroughs. AC&C was established in 1995 as a 501(c)(3) not for profit organization, dedicated to rescuing, caring for and, through adoptions to the public and certain rescue groups, finding loving homes for homeless and abandoned animals in New York City. Through a contract with the City of New York and DOHMH, AC&C operates 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. We are the only not for profit animal welfare organization in NYC that is open admissions. We receive animals of all kinds at each of these locations -- primarily cats and dogs, but also rabbits, snakes, birds, reptiles and on occasion various farm animals. As part of our contract with the city, AC&C seeks to find homes for stray dogs, cats and rabbits.

Of the 30,000+ animals AC&C took in last year (2013), **11,726** were dogs. These numbers include owner surrenders, owner requests for euthanasia, strays, returns, and animals brought in by the police. Of this number, **6,436** were stray dogs and we were only able to reunite less than a quarter with their owner through a dog license; microchip; or other lost and found efforts. In just the past 4 months AC&C has taken in **1,977** stray dogs, and that number will continue to climb all year round. A dog license enhances AC&C's chances of finding the owner of a lost dog, thereby reducing the length of that dog's stay at the shelter. This in turn, reduces the burden on the shelter system in terms of capacity to care (personnel time and space) as well as the cost of caring for another animal.

A license is one of the most effective sources of information that our customer care officers rely on to reunite a lost pet with their family. Additionally, if our field officers are able to identify an owner through a current dog license found on a stray dog's collar, then that dog may be able to get a "free ride home" from one of our drivers, rather than being added to the already crowded shelter population.



Unfortunately, many of the stray animals in our care arrive with no license and remain unclaimed; consequently there is never a shortage of dogs (or other animals) available for adoption at AC&C. But even more unfortunate is that unclaimed dogs that become ill or show signs of behavioral concern, become at risk of euthanasia. AC&C strongly supports this legislation because the impact a dog license has on our ability to reduce just one dog's length of stay by immediately identifying their owner, could mean that one less dog is at risk in the shelter.

The number of animals that AC&C takes in is staggering and requires a steady source of resources to ensure each of these animals may receive the optimum care and optimum chance at adoption or placement, including being returned to their owner. Through significant additional funding over the past two and one-half years, City Council has enabled AC&C to make marked changes and steady improvements across the entire organization: AC&C has expanded its staff (from 135 to 215); extended hours and days of operation at the shelters, receiving centers, call centers and in the field (7 days per week/12 hours per day in each department and 24/7 emergency service); improved the adoptions process; upgraded facilities; and most importantly, increased the number of live outcomes from the shelter system (which translates to a live release rate of 82% in 2013). But we continue to be faced with the challenges of 30,000 animals arriving *and staying* at AC&C annually. Additional funding is essential to not only maintain but to continue to drive improvement. Securing funding for the shelters through higher licensing fees and making it easier for dog owners to obtain licenses can help ensure that AC&C's efforts continue to expand and improve, providing greater protection to the health and welfare of all pets and people in NYC.

### **Conclusion**

The proposed dog license legislation helps promote responsible pet ownership and community involvement. AC&C has been ensuring dogs adopted from our shelters are licensed (as well as altered, microchipped and vaccinated) for nearly two decades. We welcome the support of the City Council to encourage the same of all dog owners and third parties throughout the city. Thank you for the opportunity to testify today. I am happy to take your questions.

**NEW YORK  
CITY BAR**

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

**TESTIMONY OF JANE HOFFMAN  
MEMBER, ANIMAL LAW COMMITTEE OF THE  
NEW YORK CITY BAR ASSOCIATION  
ON T2014-1085**

**NEW YORK CITY COUNCIL  
COMMITTEE ON STATE AND FEDERAL LEGISLATION  
MAY 12, 2014 - 10:00AM**

Good morning, my name is Jane Hoffman and I am testifying on behalf of the New York City Bar Association's Committee on Animal Law. Thank you for this opportunity to testify on Assembly Bill 2046 / Senate Bill 5048. For your reference, attached to my written testimony is a copy of the Animal Law Committee's full report on this legislation.

The Committee supports the passage of Assembly Bill 2046/Senate Bill 5048 and offers its recommendations to strengthen the bill.

We encourage an increase in the City dog licensing fees. Currently the City is limited in the amount of dog licensing fees that it may charge to residents to \$8.50 for sterilized dogs and \$34.00 for unsterilized dogs. These fees are so nominal that they do not cover the costs incurred by the City Department of Health and Mental Hygiene in issuing the licenses.

The fee the City is allowed to charge for licenses for sterilized dogs is also lower than other New York State municipalities. The fees that Albany, Buffalo, Hempstead and Rochester New York may charge for unsterilized dogs range from \$10 to \$13.50. These are obviously much smaller cities with many fewer dogs than New York City. Accordingly, it is illogical for New York City to have such a low limit.

We strongly support the implementation of penalties for violations of the licensing laws. Currently there are no fines for violations of the licensing requirements. Instituting fines will encourage people to license their dogs and is also an important source of revenue for the Animal Population Control Fund, which provides valuable services for homeless animals. Funding for shelters is vital to prevent the deaths of companion animals due to lack of space and other resources.

We note that the bill would allocate a portion of licensing fees for purposes unrelated to animal care and control activities (i.e., research into diseases that affect people and animals). We strongly recommend that the bill be amended to provide that the sole purpose of funds raised through licensing fees be animal shelter-related.

On behalf of the City Bar's Animal Law Committee, thank you for the opportunity to speak to you about this legislation.

# ~~EXPLOITERS~~ FRIENDS of ANIMALS

## Testimony in support of a resolution in support of A2045 and S5048, dog licensing bills.

Edita Birnkrant, Campaigns, Manager  
Friends of Animals  
1841 Broadway, Suite 350  
New York, NY 10023  
[edita@friendsofanimals.org](mailto:edita@friendsofanimals.org); [www.Friendsofanimals.org](http://www.Friendsofanimals.org); 212.247.8120

My name is Edita Birnkrant, and I'm the Campaigns Director for Friends of Animals, (FoA) an international, non-profit animal advocacy organization founded in New York in 1957. FoA has led the effort to curb the pet overpopulation crisis by continually running the first nationwide, low-cost spay and neuter program for cats and dogs. Since our founding, we have facilitated over 2.6 million spay/neuter surgeries through this program and we work to promote pet adoptions at our city shelters and educate the public on responsible pet ownership.

Friends of Animals strongly supports the resolution in support of bill A.2046 and S.5048, pertaining to the licensing of dogs in New York City. We support passage of these bills in the Senate and Assembly and will urge our New York members and supporters to do so as well.

New York City should have the same authority to set the license fee as other New York localities and this legislation would enable that.

The current dog license fee for altered dogs in New York City is \$8.50, an amount that has not changed since 1974. This very low rate is one of the lowest fees in the state and of any major city in the country. As a comparison, Philadelphia's fee is \$16, San Francisco's fee is \$21 and Miami's fee is \$27. It's necessary to increase the fee so that New York City will no longer lose money on its state-mandated licensing program and this legislation would allow the New York City Council to do so. The dog license fee was intended to support Animal Care and Control activities but as the fee has remained the same for nearly forty years, it no longer even covers the cost of issuing the license—an increase is long overdue. Local legislation to raise the license fee will generate much needed revenue to support ongoing improvements in our city's animal shelters. In doing so, we can ensure better veterinary care, shelter maintenance and in turn, increased adoptions.

This legislation will make it easier for dog owners to obtain licenses by allowing private providers to keep 10% of the license fee, rather than the current \$1. Instead of only obtaining licenses from the city—veterinarians, pet shops and others could sell licenses to dog owners. The bill would also change the law to allow dogs owners to certify that their dog has been sterilized in order to be eligible for the lower license fee for altered dogs instead of requiring documentation from a veterinarian or a notarized statement. The licensing requirement would also change current law for dog owners with unlicensed dogs to impose a fine instead of criminal penalties and seizure of the dog.



## 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 supports many of the provisions in A. 2046/S. 5048 but suggests that the bill be amended before further consideration.**

We are concerned that A. 2046/S. 5048 repeals section 8-c of the Laws of 1894, Chapter 115. Section 8-c reads as follows:

Notwithstanding the provisions of section eight of this act, the power to issue licenses and renewals and to collect fees therefor, to maintain a shelter or other facility for lost, strayed and homeless animals in each borough and otherwise to carry out the provisions of this act may be transferred to any city having a population of over two million and exercised within such city by an agency designated by the mayor of such city. Such agency so designated shall be authorized to enter into a contract or contracts for the performance of some or all of the duties to be performed under this act with one or more organizations incorporated under the not-for-profit corporation law, except any such organization the corporate purposes of which include or which otherwise engages in the use of animals for research, experimentation, testing, teaching or demonstration, or any such organization, the directors, officers, employees or agents of which have been found to have engaged in any of the activities prohibited in section twelve of this act.

By repealing section 8-c, the authority of the mayor to designate an agency to carry out the provisions of the law is removed and instead the bill designates the Department of Health and Mental Hygiene (DOH). We do not support codifying into law DOH's role in animal care. The door should be left open for another agency to be involved in animal care in the future. The bill is also not clear that DOH could contract out for services other than dog licensing or funding shelters. Field rescue and other animal care services should be considered as well.

Section 8-c also contains important provisions limiting the type of organization the city may contract with for animal care services. Such restrictions should be included in the bill. 8-c provides that contracts for animal care services may not be entered into except with not-for-profit corporations and such corporations (and their directors, officers, employees or agents) may not use animals in research, testing, or experimentation.

Some of section 8-c provisions are incorporated elsewhere in the bill but A. 2046/S. 5048 does not include the provision regarding a shelter or other facility in each borough. While there already is a provision in section 17-803 of the Administrative Code regarding shelter facilities, having the provision in state law provides extra protection we think is

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Website: [www.HumaneSocietyNY.org](http://www.HumaneSocietyNY.org)

preferable since local laws have passed over the last several years to diminish the shelter requirements.

We support an increase in dog license fees in New York City to help support animal care services. Section 17-813 of the Administrative Code already provides for an increase in dog license fees for unsterilized dogs. A. 2046/S. 5048 would have a larger impact on sterilized dogs since the City Council could also raise that fee under this legislation.

A. 2046/S. 5048 provides for a venue more appropriate than criminal court for adjudication of dog license violations.

We support the change in the law to restore the requirement that pet stores sell dog licenses.

Dated: May 8, 2014

Elinor Molbegott  
Legal Counsel/Animal Affairs  
Direct #: 516-746-6505  
[Elinorm328@aol.com](mailto:Elinorm328@aol.com)

**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: 5/12/14

Name: Corinne Schiff (PLEASE PRINT)

Address: ~~DOHMH~~ 125 Worth St

I represent: DOHMH

Address: 125 Worth NYC

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THE CITY OF NEW YORK**

Appearance Card

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in favor     in opposition

Date: 5/12/14

Name: Corinne Schiff (PLEASE PRINT)

Address: Special Projects Director, Division of Environmental Health

I represent: DOHMH

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

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in favor     in opposition

Date: 5/12/14

Name: Michelle Villagonuz (PLEASE PRINT)

Address: 520 8th Ave. 7th Fl NY 10018

I represent: ASPCA

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

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THE CITY OF NEW YORK**

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

in favor  in opposition

Date: 5/12

(PLEASE PRINT)

Name: RISA Weinstock

Address: 11 Park Place NYC

I represent: Animal Care + Control of NYC

Address: 11 Park Place NYC

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I intend to appear and speak on Int. No. 120141095 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 5/12/14

(PLEASE PRINT)

Name: JANE HOFFMAN

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

I represent: NYC Bar Association

Address: 42 W 44th ST NYC

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I intend to appear and speak on Int. No. Dog license (B) Res. No. \_\_\_\_\_

in favor  in opposition

Date: 5/12/14

(PLEASE PRINT)

Name: Edita Birnkranz

Address: 64-50 B 188 St #1B Fresh Meadows NY 11365

I represent: Friends of Animals

Address: 1841 Broadway Suite 350, New York 10023

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