

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON HEALTH

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December 17, 2010

Start: 10:15am

Recess: 12:04pm

HELD AT: Council Chambers
City Hall

B E F O R E:
MARIA DEL CARMEN ARROYO
Chairperson

COUNCIL MEMBERS:
Council Member Mathieu Eugene
Council Member Julissa Ferreras
Council Member Helen D. Foster
Council Member Jessica S. Lappin
Council Member Rosie Mendez
Council Member Joel Rivera
Council Member Deborah L. Rose
Council Member Peter F. Vallone, Jr.
Council Member James G. Van Bramer
Council Member Albert Vann

A P P E A R A N C E S (CONTINUED)

Daniel Kass
Deputy Commissioner, Division of Environmental Health
Department of Health and Mental Hygiene

Julie Bank
Executive Director
Animal Care and Control for New York City

Norma Torres
Director, Veterinary Public Health Services
Department of Health and Mental Hygiene

Ed Sayres
President
ASPCA

Dr. Steven Zawistowski
Science Advisor
ASPCA

Michelle Villagomez
Senior Manager for Advocacy and Campaigns
ASPCA

Catherine Miller, Ph.D.
Director of Applied Science and Research
ASPCA

Robert Reisman
Veterinarian
Bergh Memorial Animal Hospital (ASPCA affiliated)

Jane Hoffman
Animal Activist, Representative
New York City Bar Association

Elinor Molbegott
Legal Counsel
Humane Society of New York

A P P E A R A N C E S (CONTINUED)

Patrick Kwan
New York State Director
Humane Society of the United States

Jeanette Patterson
Director
PETA

Esther Koslow
Executive Committee Member
Shelter Reform Action Committee

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[background noise, gavel]

CHAIRPERSON ARROYO: Good morning, everyone. Happy Friday. It's not as cold as it was yesterday, that's a good thing. Good morning, my name is Maria del Carmen Arroyo, Chair of the Committee on Health. And today, the Committee is going to be conducting a hearing on two pieces of legislation [cell phone ring] that--I'm sorry, let me shut this up. [pause] As I'm doing it, maybe you should do the same. [laughs] Two pieces of legislation pertaining to animals. The first bill, Intro 328, sponsored by Council Member Jessica Lappin, would raise the licensing fee for dogs that are not spayed or neutered. The second piece of legislation that we will be considering is Intro 425, sponsored by Council Member Vallone, which would prohibit the tethering--I never say that right--

MALE VOICE: [off mic] Yeah, that was right, that's it.

CHAIRPERSON ARROYO: --tethering of animals for more than three hours in any twelve hour period. Under current law, all dogs in New York State must be licensed. Dogs are required to

1 wear a dog tag license attached to their collars.
2 The fee to license a dog that was spayed or
3 neutered in New York City is \$8.50. The cost to
4 license an unaltered dog, or one that is not
5 spayed or neutered, is \$11.50. Intro 328 proposes
6 to increase this fee to a total of \$34, with the
7 intention of the additional \$25.50 in the fee to
8 be directed to funding animal population control
9 programs, including free and low cost spay and
10 neutering services. Throughout the country, many
11 cities have a higher fee to license an unaltered
12 dog. This is for two purposes. The first is
13 obviously to encourage spaying and neutering. And
14 secondly, to assist in funding these types of
15 programs and services. Other benefits to
16 licensing one's dog can include protecting public
17 health, aiding in reuniting lost dogs with their
18 owners, and in particular in cases of major
19 emergencies, where there is a separations. It is
20 estimated that 400,000 dogs are unlicensed in New
21 York City. More must be done to ensure that dog
22 owners know about their responsibilities to
23 license their dogs, and the benefits of taking
24 this action. The Department of Health and Mental
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2 Hygiene must find creative ways to ensure that
3 more dogs are licensed. The second piece of
4 legislation will prohibit a person from tethering
5 any animal outdoors for longer than three hours in
6 a continuous twelve hour period. Tethering
7 pertains to fastening an animal to a stationary
8 object. 20 states have laws that place
9 restrictions on this action. It certainly affects
10 animals, both physically and psychologically, and
11 often these animals are found to be neglected and
12 mistreated. Additionally, tethered animals can
13 endanger the public safety; dogs become very
14 aggressive and territorial. And according to the
15 American Society of Prevention, for the Prevention
16 of Cruelty to Animals, ASPCA, a tethered dog is
17 three times more likely to bite than one that is
18 not. We must take action to ensure that we
19 protect these animals and our public at large.
20 Today, we will hear from representatives from the
21 Department of Health and Mental Hygiene, animal
22 advocacy organizations, and other concerned
23 members of our public, around these two issues. I
24 first want to thank my committee, staff, for the
25 hard work, in particular, Joe Mancino [phonetic],

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2 who these days are flying solo, as many of your
3 know, Adira Simon [phonetic] moved on to bigger
4 and better things. And I want to welcome Phil
5 Hom, who is sitting in the corner hiding
6 [laughter] who is going to [laughs] try to copilot
7 with Phil, with Joe, as our temporary counsel. I
8 want to recognize colleagues from the Committee,
9 Council Member Rose from Staten Island, and also
10 want to, two reminders: one, if you're here and
11 want to testify, you need to see the sergeant-at-
12 arms and fill out one of these little forms.
13 Otherwise, we won't know that you're here and want
14 to speak. And I also need to do two other
15 announcements. One, if for any reason there's any
16 disruption in the proceedings, we will ask that we
17 refrain from disrupting. And if it continues then
18 we will recess the meeting and ask the sergeant to
19 remove anyone who's creating any problems. And
20 because we're pressed for time, I'm asking that
21 everyone who is here to testify, to please speak
22 specifically to the two pieces of legislation that
23 we're hearing today. If there are other issues
24 that we need to discuss, we could consider
25 hearings on those topics at another time. Thank

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2 you and I want to give an opportunity to our
3 sponsors to say a few words regarding their
4 legislation. Council Member Lappin.

5 COUNCIL MEMBER LAPPIN: Well, thank
6 you, Chairwoman Arroyo. I really wanted to thank
7 you for holding this hearing today, and for
8 putting Intro 328 on the agenda for the Health
9 Committee and for the City Council. Owning a pet
10 brings a great deal of joy and love into someone's
11 life, but it is also a very big responsibility.
12 And we're here today to talk about that
13 responsibility, we want to make sure that dog
14 owners, make sure that their pet is spayed, or
15 neutered, and also registered with the City of New
16 York. A very small fraction of dog owners do
17 register with the City of New York, but it is the
18 best way, if your animal is missing, to reconnect
19 with that dog that you love so much. If there is
20 an outbreak of disease it helps us control that
21 better. So it's the best thing to do for the dog,
22 for the owner and for the City of New York. So we
23 want to encourage people to go to NYC.gov and
24 register their animal, but also to spay and
25 neuter. And so what we're discussing today is a

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2 bill that would increase the licensing fee for
3 unaltered dogs from \$11.50 to \$34.00. It would
4 stay the same, \$8.50, if you have done that
5 already. So, this gives people an incentive to do
6 the right thing. We don't think it will cause
7 people any financial harm because there are plenty
8 of places and ways, all across the City, where you
9 can get your dog spayed or neutered for free. I
10 have hosted a mobile van in my district. I know
11 other Council Members have done the same. And
12 some of the agencies we're going to hear from
13 today, do that. And then obviously, by raising
14 the fee, we're going to be collecting more money
15 that will stay in the City and not go to the
16 State, which is great. And that money can be used
17 by animal care and control for spay and neuter
18 programs, as well. So it's really a win-win.
19 Something that I'm looking forward to moving
20 forward on here in the Committee, and I'm really
21 hopeful that we can pass this in the Council.

22 CHAIRPERSON ARROYO: Thank you,
23 Council Member Lappin. Council Member Vallone,
24 would you like to speak on your - -

25 COUNCIL MEMBER VALLONE: Yes, let

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2 me reiterate Council Member Lappin's thanks to you
3 for this hearing. And for your support of animal
4 rights, and I want to congratulate Council Member
5 Lappin on her bill. It was, it was my father who
6 did the original spaying and neutering bill, which
7 would not allow, will not allow you to release a
8 dog from a shelter without it being spayed or
9 neutered. And this is a nice improvement. When
10 it comes to animal tethering, which is my bill,
11 animal tethering, I believe, is a form of animal
12 cruelty. Other cities and states have already
13 moved to ban this. Some have banned tethering
14 completely. My bill, as it stands, would ban,
15 would ban tethering for more than three hours.
16 This is the beginning of a process, or actually
17 not the beginning, we started this process a long
18 time ago, at the ASPCA, but it's part of a process
19 of us looking into what exists in other cities and
20 other states, and the templates that already
21 exist, and let's look at what works and what
22 doesn't, and what's best for the, for the greatest
23 City in the world, right here in New York City.
24 And we're going to come up with something as part
25 of this, after this process, that's going to work

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2 here in New York City. My goal is not to stop
3 people from tying up a dog for a few minutes, as
4 they get a cup of coffee; it is, though, to
5 prevent people from doing this as a way of life.
6 As I said, it's cruelty to animals for so many
7 reasons that we're going to hear from the experts
8 about, who know a lot more than I do. And you
9 know, the ASPCA is doing a great job, but they
10 need more tools to be able to help them to do
11 enforcement. For example, if they get a call
12 about an animal that's tied up for days and days,
13 they can't do anything, unless they see there's,
14 that animal is physically harmed. And we know
15 what's going to happen, it's going to be
16 physically harmed eventually, but we don't want
17 that to, we want to stop it before it does get
18 physically harmed. So this will give them a tool
19 to enforce the law, and, and keep our animals
20 safe. So thank you, Madam Chair, and thank you,
21 Council Member Lappin. I look forward to the
22 hearing.

23 CHAIRPERSON ARROYO: Thank you.

24 COUNCIL MEMBER VALLONE: And thank
25 you, ASPCA.

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2 CHAIRPERSON ARROYO: [laughs] Thank
3 you, Council Member Vallone. I'd like to
4 acknowledge we've been joined by Council Member
5 Helen Diane Foster and Council Member Vann. Good
6 morning. And now, we will hear from our first
7 panel, Deputy Commissioner for the Division of
8 Environmental Health, at the Department of Health
9 and Mental Hygiene, Daniel Kass.

10 DANIEL KASS: Hi.

11 CHAIRPERSON ARROYO: And Julie
12 Banks, Animal Care and Control for New York City.
13 Welcome. I think you guys have done this before,
14 right?

15 DANIEL KASS: I have.

16 CHAIRPERSON ARROYO: Okay.

17 DANIEL KASS: Yeah.

18 CHAIRPERSON ARROYO: So you know
19 what to do. Okay.

20 DANIEL KASS: And from the sound of
21 your introductory remarks, you've already read my
22 testimony, so--

23 CHAIRPERSON ARROYO: [laughs] And
24 I'd like to welcome Council Member Rivera, as
25 well. You may begin.

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2 DANIEL KASS: Thank you. Thank
3 you, Member, Chairperson Arroyo and Members of the
4 City Council Health Committee. My name is Dan
5 Kass, I'm the Deputy Commissioner for the Division
6 of Environmental Health at the Department of
7 Health and Mental Hygiene. And on behalf of
8 Commissioner Farley, I'd like to thank you for the
9 opportunity to testify today about the two bills,
10 Intros 425 and 328. Joining me today are members
11 of our staff, Mario Merlino, Assistant
12 Commissioner for the Bureau of Veterinary and Pest
13 Control Services, and Norma Torres, the Director
14 of Veterinary Public Health Services, as well as
15 Julie Bank, the Executive Director for Animal Care
16 and Control of New York City. So let me begin by
17 providing a brief overview of the Department of
18 Health's role as it relates to animals, including
19 pets, work animals and wildlife. The Department
20 promotes and protects the health of New York City
21 residents and visitors by working to prevent,
22 discover and intervene in cases of animal-borne
23 diseases, hazards and complaints of animal
24 nuisances. Some of our functions include issuing
25 state mandated dog licensing, permitting and

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2 inspecting animal handling facilities, such as pet
3 shops, animal boarding facilities, pet grooming
4 facilities, licensing commercial horses and
5 issuing permits to boarding stables receiving and
6 responding to reports of animal bites, and
7 investigating animal nuisance complaints. We
8 monitor rabies and wildlife and pets, as well as
9 other diseases that may affect the health of the
10 City's human population. We're also responsible
11 for issuing permits for the exhibition of wild and
12 exotic animals to the entertainment industries.
13 So with respect to Intro 425, which would limit
14 the amount of time pet owners can restrain or
15 tether animals outdoors to no more than three
16 hours in any continuous twelve hour period, the
17 Department supports the intent of the bill. We
18 recognize that tethering or chaining an animal for
19 long periods of time can be cruel and inhumane,
20 and furthermore we know that for dogs in
21 particular, tethering or chaining may decrease the
22 risk--may increase, rather, the risk of antisocial
23 behavior, including aggression. However, we do
24 have two concerns about the bill. First, the
25 Department of Health has neither the authority nor

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2 resources to enforce humane and cruelty laws in
3 New York City. Agents and officers of the
4 American Society for the Protection of Cruelty to
5 Animals, or ASPCA, are empowered by the state
6 Agriculture and Markets Law to enforce animal
7 cruelty laws statewide, and have the power, with
8 police, to protect and animal victims, and to
9 bring charges against the perpetrators of animal
10 cruelty. Currently, complaints through 311 about
11 animal cruelty are referred directly to the ASPCA,
12 and not to the Department of Health. Second, the
13 bill presents significant enforcement challenges.
14 To determine if an animal has been restrained
15 outdoors in excess of three hours in a twelve hour
16 period, inspectors would have to stake out a
17 property for very long periods of time,
18 potentially in excess of twelve hours. And this
19 would present obvious operational and logistical
20 challenges, even for a limited number of
21 complaints, and would require significant
22 resources beyond those available for the agency.
23 While the Department of Health does not have the
24 authority to enforce humane laws, we nevertheless
25 require our licensees and permittees to adhere to

1 humane practices. And if we have any evidence of
2 the potential for animal cruelty, we will, and do,
3 make referrals to the ASPCA. With regard to Intro
4 425, there may be nuances around how best to
5 characterize inhumane tethering the Department is
6 not expert in. And we would defer to animal
7 welfare experts to comment on the specific
8 definition of tethering. Despite these concerns,
9 we're committed to working with the Council, other
10 governmental agencies and organizations, including
11 the ASPCA, to help reduce inappropriate tethering
12 in the City. Turning to Intro 328, we strongly
13 support this bill, which would raise the license
14 fee for dogs that are not spayed or neutered, and
15 would direct these fees to the Animal Population
16 Control Fund. The current fee for a license for
17 an unaltered dog is \$11.50, and the fee for a
18 license for an altered dog is \$8.50. Until this
19 month, the Department sent this \$3.00 differential
20 to the New York State Agriculture and Market State
21 Animal Population Control Fund. In June of this
22 year, the State Legislature passed, and Governor
23 Patterson signed into law, Chapter 59 of the Laws
24 of 2010, that amended the New York City
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2 Administrative Code to establish a local--I'm
3 sorry, that enabled the New York City
4 Administrative Code to establish a local animal
5 population control fund. Administrative Code
6 Section 17811 and 17812 authorize the City to
7 retain and spend for such purposes the unaltered
8 dog license differential in the existing and a new
9 fund, and to set a locally determined differential
10 for the issuance of the license of unaltered dogs.
11 And we'd like to thank the Council for taking this
12 up and supporting this new funding mechanism for
13 animal population control activities. As you
14 referenced in your opening remarks, based on the
15 New York City's Department--New York City's
16 Community Health Survey, we believe there are
17 about 500,000 dogs in New York City. New York
18 City requires all dogs be licensed; however, in
19 any given year, just 100,000 dogs are licensed by
20 residents. Of these, about 40 percent are for
21 unaltered dogs, or for dogs whose owners have not
22 submitted proof of spay and neutering. The
23 difference in fees, the differential in fees, for
24 altered and unaltered animals licenses, serves two
25 purposes. First, it provides a financial

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2 incentive to alter animals, and realize the myriad
3 benefits of doing so. Spaying or neutering is
4 associated with health benefits to animals, such
5 as reducing the incidence of uterine, mammary
6 gland and testicular cancer; and it also improves
7 a pet's behavior, making it more social and less
8 aggressive, and less likely to be abandoned. And
9 spaying and neutering, of course, helps reduce pet
10 overpopulation. A second purpose of the
11 differential is that it provides resources to
12 promote animal control. Without which the City
13 bears the cost of enforcing animal control law and
14 operating the shelters that receive unwanted
15 offspring born to unaltered animals. In setting
16 an appropriate differential between altered and
17 unaltered dogs, it is important to consider what
18 impact that value will have on licensing
19 compliance. Licensing helps connect lost dogs
20 with their owners and makes it easier to conduct
21 medical follow ups of individuals, potentially
22 exposed to infected dogs during rabies outbreaks,
23 and increased awareness in dog licensing
24 encourages more owners to spay and neuter their
25 dogs. In addition, we have reviewed differentials

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2 in other jurisdictions, and we believe that the
3 proposed difference in fees for altered and
4 unaltered dogs in this bill is reasonable. The
5 Department is preparing to launch a campaign to
6 promote licensing, in conjunction with the launch
7 of the New York City animal population control
8 program, early in the next fiscal year. We're
9 exploring several options to reach the broadest
10 population possible, and we will work with the
11 Council, as well as community groups and
12 advocates, to promote the benefits of dog
13 licensing. In addition, we will also promote low
14 cost spay and neuter services in partnership with
15 community service providers. I want to thank the
16 City Council for considering this package of
17 legislation. We look forward to continuing our
18 work together to protect the health of New Yorkers
19 and their pets. I'm happy to answer any questions
20 you may have.

21 [pause, background noise]

22 JULIE BANK: Good morning, Chairman
23 Arroyo and Members of the City Health Committee,
24 City Council Health Committee. My name is Julie
25 Bank and I'm the Executive Director for Animal

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2 Care and Control of New York City. Thank you for
3 the opportunity to testify today regarding Intros
4 425 and 328. Animal Care and Control, or AC&C, is
5 a private, nonprofit organization that contracts
6 with the New York City Department of Health and
7 Mental Hygiene, to perform animal control services
8 in the five boroughs. I've been with Animal Care
9 and Control since April of 2010. AC&C is the
10 largest pet organization in the northeast,
11 currently receiving over 43,000 animals a year.
12 We strongly support Intro 328, which would raise
13 the licensee--license fee for dogs that are not
14 spayed or neutered and direct these fees to an
15 animal population control fund. I have been in
16 the animal welfare world for more than 20 years,
17 and I have personally overseen other municipal
18 licensing programs. I have seen firsthand how dog
19 licensing benefits the community by encouraging
20 pet ownership, making it easier for lost pets to
21 be reunited with their owners, and helping to
22 identify owners of dogs that have bitten a person
23 or another animal. Creating a higher differential
24 to encourage spaying and neutering is also
25 critical to controlling animal overpopulation. As

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2 more animals are spayed and neutered, fewer
3 animals are born, which means fewer animals come
4 into the animal shelter system. In addition to
5 responsible pet ownership, spaying or neutering
6 your pet has direct physical and behavioral
7 benefits for them, including reducing the
8 incidence of cancer and unwanted behaviors.
9 Creating an incentive for individuals to consider
10 spaying or neutering their pet with free or low
11 cost spay and neuter services, is a win-win
12 situation for the animals, for pet owners, and for
13 the animal shelters here in New York City. With
14 regards to Intro 425, which would limit the amount
15 of time pet owners can restrain or tether animals
16 outdoors, to no more than three hours in any
17 continuous twelve hour period, AC&C supports the
18 intent of the bill. AC&C's goal is to assist
19 individuals to be responsible pet owners and to
20 build relationships between people and their pets.
21 Responsible pet ownership revolves around regular
22 exercise, and social interactions between you and
23 your pet. And tethering doesn't foster any of
24 that. Moreover, tethering creates an unsafe
25 situation for the animal, especially if left

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2 alone. The animal could get caught up on a leash,
3 and being tethered can also impact the animal
4 because it goes against its natural behavior
5 tendencies. A tethered animal also creates a
6 public safety threat, particularly to children who
7 may unintentionally provoke an aggressive
8 response. In conclusion, both of these bills
9 would help create more informed and responsible
10 pet ownership in New York City. More responsible
11 pet ownership has a direct correlation to the
12 number of animals in AC&C's care, and our goal is
13 to continually decrease the number of animals in
14 our shelters, and keep more animals in their
15 loving homes. Thank you very much.

16 CHAIRPERSON ARROYO: Thank you both
17 for your testimony. I will defer the first round
18 of questions to the sponsors of both the bills
19 before us. We'll start with Council Member Peter
20 Vallone and then Council Member Lappin.

21 COUNCIL MEMBER VALLONE: Okay,
22 thank you. Thank you for your testimony.
23 Commissioner Kass, it seems you have--boils down
24 to two objections to the, to the tethering law.
25 First you say you don't have the authority, or the

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resources. Who does have the authority to protect animals from cruelty?

DANIEL KASS: Well, under, under State law, that is always granted to the ASPCA, and there's a New York City Chapter. Currently, when complaints are issued by, complaints are logged by residents of New York City, and they're logged through 311, they are routed to ASPCA, and they do investigative work in that regard. We enforce, with regard, when we permit an institution, or a provider, or if they're licensees for horses, for example, if we notice those kinds of things, we also make referrals directly to ASPCA.

COUNCIL MEMBER VALLONE: So then how would you prefer the bill to be drafted to satisfy that objection?

DANIEL KASS: Well, I'm not sure what the optimal approach is. I want, I think we want Council to be aware that while the intent of the law is a perfectly appropriate and a great one to prevent, you know, cruel and inhumane tethering of animals, the process of actually documenting whether three hours has occurred over a twelve

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hour period is well beyond the ability of us. And I think there may be concerns among others just about how, how easily it would be to observe that kind of thing, so that's part of the--

COUNCIL MEMBER VALLONE: That's your second objection, I'm going to get to that, but your first objection is just basic authority. So, where, where should we put this authority to eliminate that objection, before we get to the enforcement.

DANIEL KASS: Well, the authority would rest with the, if the Council is choosing to define tethering as a cruel and inhumane practice, then my understanding is that authority would rest then with ASPCA.

COUNCIL MEMBER VALLONE: Okay, we'll look into that. Now your second objection is enforcement, and well aware of that difficulty. And in fact, as I've said, this has been wrestled with around the country and everyone's come up with a different way of, of dealing with this. I don't intend for this to be a law that you or the police are going to be going around with stopwatches and timing people with their animals,

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2 so you know, we intend that this is more of a
3 complaint driven law, that if an animal rights
4 group or a neighbor wants to document this sort of
5 abuse, with film or something like that, or--or
6 your agency does it, it's possible to do. And
7 that would give them, you know, some criminal
8 sanctions, finally, which don't exist right now.
9 So that's how we envision it. We don't expect you
10 or anyone else to go around enforcing this. I
11 mean, it would be great if we had those sort of
12 resources. We, we know we don't. But we do want
13 to allow some penalties here. Right now, the
14 ASPCA will testify that, you know, they'll get
15 called on, on an animal that's being abused by
16 being tethered for days at a time, and there's
17 nothing they can do, because there's no law
18 against it, unless they go in and see that the
19 collar has been, you know, that the skin has grown
20 over the collar or something like that. And that
21 all eventually happens, I said, but we want to
22 stop that from happening. So, we understand your,
23 your concerns with, with enforcement, and we'll
24 work with you on that. But it's not going to be
25 perfect, there's no way to make it, that to, to

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deal with that, a lot of people have tried. Would there be, would you have any suggestions in that regard.

DANIEL KASS: I think I'd be interested in hearing how others, including the ASPCA, testify as to how they would manage this. You know, we're certainly willing to work with all of the partners, including ASPCA, on you know, referral protocols or an understanding of what kind of, what kind of complaints would reach some appropriate threshold for referral. You know, there's also value in educating the public about tethering. I'm not sure that this is a particularly well known, well known, either for the neighbors of people who might be able to notice it, or for dog owners themselves. And so we're also happy to work in all of our educational materials to put, you know, put the word out that this is an unacceptable practice.

COUNCIL MEMBER VALLONE: That's a very good point, we should look at ways to, to publicize this because most people aren't aware of the harm both psychologically and physically to an animal because perhaps they've, just something

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2 they've always, they've always done, tied it up in
3 the backyard or something like that. Ms. Bank,
4 thank you for your testimony, and for supporting
5 the intent of the bill. And I'm glad you put on
6 the record what I'm sure animal rights groups will
7 put on the record after you about how tethering is
8 unsafe, for both the animal and the public. The
9 studies show they bite more, and that obviously
10 endangers, endangers children. Would you have
11 any, I know you've probably, you're probably aware
12 of what's been going on around the country when it
13 comes to this. Do you have any suggestions on
14 improvements that we can make to this legislation?

15 JULIE BANK: Well, in communities
16 that I've worked in, in the past, the issue has
17 really focused on how to determine the timeframe
18 of tethering. And most of the communities that
19 I've seen that have worked well, have definitely
20 worked from a complaint driven perspective. And
21 it's also given the organization who might be out
22 there for another reason, more of an opportunity
23 to really jump in before the situation gets out of
24 hand. So, I think as long as the enforcement
25 piece is addressed and it's recognized, and the

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2 authority is recognized, then I would think that
3 you're on a good path, on the right path.

4 COUNCIL MEMBER VALLONE: Okay, just
5 as an example of the difficult we face, I'm
6 reading the Connecticut law, and it basically
7 says, "A person who confines or tethers a dog for
8 an unreasonable period, shall be subject to--" and
9 that's kind of, you know, [laughs] that's kind of,
10 you know, how they're getting a little bit of
11 responsibility there by just saying "unreasonable
12 period." But that's what people have come up
13 against around the country, how do you define
14 reasonable and unreasonable. And it's something
15 we're working on, so we look forward to working
16 with you. I've got a lot of other questions,
17 especially when it comes to the dangerous dog
18 board, and things like that, but they'll wait for
19 another time. So thank you, Madam Chair. Thanks.

20 CHAIRPERSON ARROYO: Thank you,
21 Council Member. We've been joined by Council
22 Member Mendez, thank you for joining us. Dan, you
23 know you're always welcome to stay for the whole
24 hearing, you can hear everything everybody has to
25 say.

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DANIEL KASS: Thank you.

2

CHAIRPERSON ARROYO: Okay.

3

Jessica.

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COUNCIL MEMBER LAPPIN: Thank you.

5

6 Couple of questions you mentioned in your
7 testimony that only about 20 percent of the dogs
8 that are in New York City are licensed. And we'd
9 like to change that, obviously. And I was very
10 heartened to hear that you're planning a public
11 education campaign. So, can you expound on that a
12 little bit. I mean, there are other cities, both
13 here and in Canada, where there is a much greater
14 percentage, and so New York is really lagging
15 behind. So, what are you planning to do about
16 that?

17 DANIEL KASS: Well, I think the,
18 the features of municipalities and other
19 jurisdictions where licensing is far more
20 prevalent or saturated, you know, are two things:
21 one is sort of greater public awareness; and the
22 second is to some extent enforcement. We, at this
23 point, with the establishment of the population
24 fund, will have some resources dedicated to at
25 least the educational side of this. We, it's been

1
2 some time since we as a Department have done
3 campaigns around licensure. The last time we did
4 it, we did see some, you know, some increase in
5 the uptake of licenses. But it was not sustained
6 for long. So, we don't have a lot of details at
7 this point, we're just beginning to meet to
8 discuss what this would look like. And I'll be
9 happy to work with Council and advocates and
10 others about how best to do this. Recently, we
11 were, we had the pleasure of meeting with the
12 ASPCA, who hosted a discussion with another
13 jurisdiction about their licensing approach. And
14 so we're, we're in a learning mode about this. I
15 would say that, you know, we're looking to try to
16 begin this in the next fiscal year. We will, with
17 the establishment of the population fund, will try
18 to use some resources to basically do that, with
19 the hope that by increasing licenses over time, we
20 also increase the funding available in the fund.

21 COUNCIL MEMBER LAPPIN: Right, I
22 definitely would think this is something that
23 would pay for itself.

24 DANIEL KASS: Yes.

25 COUNCIL MEMBER LAPPIN: And then

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once somebody is in the system, it's much easier to get them to reregister every year. And then it becomes a continual funding stream.

DANIEL KASS: Right, as you know, we've made, I think some pretty terrific advances at the Department, in making that a little easier. We now have online licensing, it makes it much more, much easier for us to automate responses to people, that they're due for licensing. So, on our end, we have now an infrastructure for handling more.

COUNCIL MEMBER LAPPIN: Although, I--you can register the first time online, only renew online.

DANIEL KASS: Oh, no, now you can, you can register for the first time online.

COUNCIL MEMBER LAPPIN: When did you make that change? [background comment] Sorry, I'm going to have to ask you just to identify yourself and to--

NORMA TORRES: Norma Torres. It was always available. What, the only component is in order for them to show that the dog is altered, if you're registering an altered dog, we're unable

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to register as altered. So you would register as unaltered and submit your proof. And on your renewal, you're eligible then for the altered rate.

COUNCIL MEMBER LAPPIN: But you'd have to pay the unaltered rate the first time.

NORMA TORRES: That is correct. That is correct.

COUNCIL MEMBER LAPPIN: As sort of a--

NORMA TORRES: Online, yes, unless you're ready--

COUNCIL MEMBER LAPPIN: -- convenience fee.

NORMA TORRES: --unless you're ready in the system, that's correct.

COUNCIL MEMBER LAPPIN: Okay. I mean, and, and are there other things you're exploring to make it easier for people to register when they're, you know, for example, at the vet's office? Or are there other ways to do this?

DANIEL KASS: We've, we've thought about it, and we continue to think about it. There is, you know, not widespread in the

1
2 veterinary community for issuing licenses. But
3 there are other models out there that we're, we're
4 open to exploring, everything from kiosks in pet
5 stores to, to other things. We have imposed new
6 requirements. I don't know how new they are. But
7 now animals, you passed a law that requires
8 licensure upon adoption. We'd like to think more
9 about ensuring that dogs, that are adopted by
10 rescue organizations, are also fully licensed.
11 So, we'll, you know, we're exploring ideas.

12 COUNCIL MEMBER LAPPIN: So how do
13 we go from exploration to enactment?

14 DANIEL KASS: Well, I think the
15 first and most realistic step is to basically
16 raise awareness. I'm not sure that the majority
17 of dog owners recognize the value of licensure.
18 And I think that's incumbent on us to basically
19 teach people. And I think we should have some
20 fairly significant improvements from that. That
21 would be the first step. Again, with resources
22 over time, we can begin to explore some of the
23 more, some of the other ideas we have, which
24 really frankly involve capital expenditures or,
25 you know, sort of reconsiderations of legislation.

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2 COUNCIL MEMBER LAPPIN: Okay. I
3 think we should, I'd like to continue to talk
4 about that, and it'd be interesting to see how
5 much the percentage increases after the education
6 campaign. You mentioned there were sort of two
7 key components, the education and the enforcement.
8 So can you speak to enforcement? Who is doing the
9 enforcement now and how frequently for, for people
10 who are no licensing their dogs?

11 DANIEL KASS: Well, the enforcement
12 at this point rests as, small, around the City.
13 The Parks Department and the Police Department may
14 issue summonses. We as a Department issue very
15 few because we're not in circumstances where we're
16 typically evaluating the licensure of dogs. If we
17 investigate a dog bite and we find a dog that's
18 unlicensed, obviously that becomes, that's
19 required and we'll issue a summons, or a violation
20 in that instance. So, at this point, you know,
21 what we understand to be the case is that
22 sometimes over the course of criminal
23 investigations, the police may issue a summons for
24 this, or a violation and order of licensure.
25 Sometimes the Park Department in sweeps, in dog

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runs, but it's relatively rare.

COUNCIL MEMBER LAPPIN: I'm sure you're, have considered this, but I would say when you're doing your education campaign, you should be simultaneously, the City, not you, but--doing enforcement. I mean, when we do blitzes for people talking on their cell phones when we're driving, we issue tickets, or seatbelt blitzes. Or you know, the Transportation Commissioner was here talking about how they're going to do more enforcement on bike lanes. But, in conjunction with their, "Don't Be a Jerk" education campaign. So, are you planning to do that, both the education and the enforcement together?

DANIEL KASS: I don't know. I think it's something we're going to be thinking about as we begin to shape what the public education campaign looks--

COUNCIL MEMBER LAPPIN: Okay.

DANIEL KASS: But we'll definitely think about it.

COUNCIL MEMBER LAPPIN: Yeah, I would definitely, strongly, that seems to be the model that works the best, a little carrot and

1
2 some stick, sort of together. My last question
3 was, you know, something that I know has worked in
4 other cities are amnesty programs for people to
5 license, with the thought that you do get them in
6 the door, and then you have them in the door for
7 renewals. Is that something you're considering as
8 part of the education campaign, as well?

9 DANIEL KASS: Well, you know,
10 amnesty, amnesty makes a lot of sense when you're
11 enforcing. [laughs] Sort of absent enforcement,
12 we seem to currently live in a period of largely
13 permanent amnesty. So, I think we're going to be
14 focusing much more on sort of outreach and
15 education, and I think that's something we'll
16 consider if we--if we reach a point where we
17 really are in a position to enforce.

18 COUNCIL MEMBER LAPPIN: Well, when
19 you do the education and the enforcement together,
20 and people get the \$120 ticket, and they say,
21 "Wow, I could register my dog for \$8.50 after I
22 get it spayed and neuter, and not pay the \$120," I
23 think then you really get people motivated. So, I
24 would say, if I were, in sitting across the table,
25 that that's how I would think about doing it. All

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three of those things together.

DANIEL KASS: Thank you.

COUNCIL MEMBER LAPPIN: And then Counsel handed me another question about what types of services do you envision that the Animal Population Control Program would, will fund, let's say will?

DANIEL KASS: Well, the--excuse me. The answer to that in part depends on the resources that'll be available. Right now, we've been informed by the Department, the State Agriculture and Markets Department, that there's \$159,000 that will be available to New York City from prior contributions. At this point, the City is retaining the money, so we'll see what that looks like going forward. And of course if we are able to increase licensure, then we'll see more of them. And so, the precise suite of services that'll be available will depend in part on, on what that looks like. For now, our intent is to, is to basically promote licensure, try to help build the fund, and then to supplement funding for animal care and control. At least at this point, to support low cost spay and neutering, and to

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build in the City over time a much more robust population control program, which is something that, you know, we don't have the resources right now to do.

COUNCIL MEMBER LAPPIN: Okay, thank you.

CHAIRPERSON ARROYO: You have \$159,000 that is coming back to the City from the State. How much do you anticipate the additional licensing fee would generate for the program?

DANIEL KASS: I think I have that number. Well, I'm not sure I have the number right in front of me, but I can tell you how we would calculate it, which would be at about 40 percent of the 100,000 animals currently licensed, are currently either old, are unaltered, or are not spayed or neutered, or--for which we haven't gotten the documentation to demonstrate. So the differential that we would be able to retain would be \$25.50 times that amount. I have the numbers here, thank you, Norma. So, assuming that there is no drop-off in licensure, with the added differential, we would expect about a million dollars a year, to be available to support these

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kinds of activities that I just mentioned.

[background comment]

CHAIRPERSON ARROYO: Mm-hmm, yes.

[pause] So, you, your anticipating receiving \$159. What is the status of the current Animal Population Control Program, in terms of funding, and what it is that you're doing in that program?

DANIEL KASS: We haven't--we're just establishing the program. In fact the Department is working on draft rules right now, that will be published at some point in the near future in the City register, and City record, to, to basically establish the fund in a formal way. And identify the potential suite of services that will be, that will be launched with the receipt of money. So, the current status is that there, the, we're writing rules to formally establish the fund that will then manage its operation.

CHAIRPERSON ARROYO: Okay. I'd like to acknowledge we've been joined by Council Member Eugene and Van Bramer. Thank you for joining us. I have a couple of other questions, but I'm--Council Member Vallone had a few more.

COUNCIL MEMBER VALLONE: Yeah, I'm

1
2 very concerned by some of the testimony I just
3 heard. You're in charge, I mean, you have the
4 authority in much of this, in many, when it comes
5 to licensing. You're in charge, for example, also
6 of keeping New Yorkers safe from dangerous dogs,
7 and yet you don't, you haven't even established a
8 dangerous dog commission, as required by law. You
9 can't just sit there and say, "We're not following
10 the law." Now, the, you are in charge of
11 licensing animals, especially dogs. What
12 percentage of dog owners are licensed?

13 DANIEL KASS: We're--Oh, we've, we
14 estimate at this point, and it's an estimate, that
15 about 20 percent of dogs in the City are licensed.

16 COUNCIL MEMBER VALLONE: And who
17 would be responsible for ensuring that 100 percent
18 of the people in the City license their dogs?

19 DANIEL KASS: Well, the
20 responsibility, obviously, rests with the owners
21 to license their dog. Now, for an owner to be
22 able to license--

23 COUNCIL MEMBER VALLONE: The
24 responsibility for not speeding rests with the
25 drivers, but who enforces that?

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2 DANIEL KASS: I understand, I mean,
3 I'm, what I--I guess what I was going to add to
4 that is that we're not sure at this point that dog
5 owners necessarily all know that they're supposed
6 to license, that's the purpose of an outreach
7 program, is to basically raise awareness about
8 that. There are--so that's, you know, I think
9 that's a critical responsibility. You know,
10 would, would widespread enforcement make a
11 difference for those animals that are sort of
12 outside on a leash, if there are officers sort of
13 all over the City basically to stop people to do
14 it? Yes, you could definitely increase it, but
15 the resources are just not there to, to manage
16 that kind of enforcement program.

17 COUNCIL MEMBER VALLONE: You know,
18 a lot of people are not allowed to say, "We just
19 can't do it, we just don't have the resources to
20 do it," when the law is the law. How much in lost
21 revenue is out there? Forget the animals and
22 their wellbeing for a moment, how much in lost
23 revenue are we not collecting, because nobody's
24 enforcing licensing laws?

25 DANIEL KASS: Well, you know, the

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2 licensing law, the licensure of dogs is not a
3 revenue gain, in a substantial way for the City.
4 With this law that you're, that you've introduced,
5 for the first time, the City has a real
6 opportunity to realize a revenue benefit from
7 licensure. And I think that that's where we're
8 going with this, is that we will, we have an
9 incentive as a City, we have an incentive as a
10 Health Department, and the City of New York has an
11 incentive to increase licensure dramatically
12 because it will not only raise sort of revenue for
13 the kinds of self-sustaining activity that would,
14 that we want to see, but it would also
15 substantially make resources available to help
16 solve the problems associated with, you know, with
17 both dangerous dogs, with overpopulation, and some
18 of the, you know, the ongoing resource issues we
19 have animal control.

20 CHAIRPERSON ARROYO: Dan, the
21 enforcement is always a problem, I mean, there's a
22 whole litany of laws that we have in the City that
23 we have--were a challenge to enforce, for whatever
24 the reason. Resources usually end up at the top
25 of that list. But I also have learned in my

1
2 career as a healthcare administrator, that people
3 do what you inspect not what you expect. And
4 [laughs] learned that one a long time ago. So,
5 I'm walking with my dog in the park, there's an
6 officer, a PEP officer, whatever, is in the, in
7 the park, and by chance I happen to get stopped
8 and, "May I, is he licensed?" If he's not, then I
9 get how much? What's the fine?

10 DANIEL KASS: I'm--you know?

11 CHAIRPERSON ARROYO: \$120?

12 DANIEL KASS: It's up to \$200.

13 CHAIRPERSON ARROYO: Okay.

14 DANIEL KASS: I've been told.

15 CHAIRPERSON ARROYO: You know, I'm
16 not suggesting we do every single dog in the City,
17 but if we do random evaluations, I think we, and I
18 think that's what Council Member Vallone's
19 alluding to, that you know, this is not about
20 raising, it's, we can raise the revenue, we
21 probably wouldn't be in such a pit in term,
22 financially. But, you know, word gets around
23 really, really fast. And if, if that can help
24 change behavior, then, then it gets us to the same
25 goal. We raise a couple of dollars in the

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process, that's also a good thing. So, I'm, I'm not sure that not having the resources is, is, in a justification for not trying something.

DANIEL KASS: Well, I think that Council Member Lappin's suggestion of trying to tie at least some sort of, you know, some enforcement effort associated with out, with an educational campaign to promote licensure is, is an idea we'll certainly consider.

COUNCIL MEMBER VALLONE: And, and that's exactly where I was going. I mean, I'm not looking, raising revenue is always good when it's, when it's fairly done, but if your excuse is you don't have the money, but you can actually have the money, if you enforce the law, then it doesn't make any sense, and you didn't answer, as my colleague points out, how much we're not receiving in fines, I'm sorry, in licensing. The fines seem to be pretty prohibitive if a first offense is \$200 or I don't remember what it was, what was said, but you can raise the money to actually enforce the laws, which would, which would help animals. And I think you need to do it, living in a state of permanent amnesty is not acceptable.

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2 And you are charged with this responsibility as
3 you are charged with the dangerous dog board, and
4 you are not allowed to just sit there and say, "We
5 can't do it." You need to come up with ways to do
6 it, and we'll work with you. And if this is one
7 of the ways, that's great, but we need to end the
8 permanent amnesty, and work towards keeping our
9 animals safe. Thanks.

10 CHAIRPERSON ARROYO: So, you, you
11 talked, Dan, you talked about the establishing the
12 program or the, the rules, in your deliberations
13 around those rules, and what they ultimately will
14 be. What kind of community input, discussion with
15 affected groups, is the Department engaged in?

16 DANIEL KASS: Well, we've been, you
17 know, we work closely with Animal Care and
18 Control, we've begun ongoing dialogues with the
19 ASPCA, and this is a rule, so part of the purpose
20 is to put out, put out a draft set of ideas,
21 invite public comment, there'll be a public
22 hearing associated with it. We'll invite
23 organizations to give us their ideas or comment on
24 our preliminary proposals. So, we'll certainly
25 listen to what we hear.

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CHAIRPERSON ARROYO: And when do you anticipate that rolling out?

DANIEL KASS: We hope shortly after the first of the year.

CHAIRPERSON ARROYO: Okay. Now, you also discussed the educational campaign. How much is it going to cost?

DANIEL KASS: We don't know yet. I mean, at this point, it will have to be tied to, you know, the resources that might be made available by the population funded first, or--but we don't know, we're just beginning to think about what that looks like.

CHAIRPERSON ARROYO: And I just want to be clear, the enforcement on licenses falls under the purview of the DOHMH.

DANIEL KASS: It does, and it's also--

CHAIRPERSON ARROYO: Not the ASPCA.

DANIEL KASS: --that's correct.

CHAIRPERSON ARROYO: Okay. So, if we increase enforcement, how much would that cost?

DANIEL KASS: Well, if enforcement involves, I'm sorry--If enforcement involves a new

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2 inspectional force, I don't have the numbers of
3 what that would look like. But it would almost
4 certainly involve a new inspectional force that
5 the Department doesn't have. We have a relatively
6 small veterinary public health program that's
7 charged with responding to complaints of dangerous
8 animals, that manages oversight of the shelters,
9 that licenses and inspects permanent facilities,
10 and enforcing licensure would be an additional
11 responsib--I mean, and additional task on top of
12 those things that already have to happen, so I
13 don't have numbers with me about what that would
14 cost.

15 CHAIRPERSON ARROYO: So in your, in
16 your discussions about the budget crisis and
17 having to cut services, has the Department engaged
18 in an analysis of, well, it would mean hiring
19 additional individuals, but the revenue that it
20 can generate would more than offset the action.
21 Has the Department engaged in that activity at
22 all?

23 DANIEL KASS: No.

24 CHAIRPERSON ARROYO: So, in enfor--
25 Hm. These guys are not in, are they in the

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street? Out of their offices, when they're doing their work?

DANIEL KASS: Our, our--

CHAIRPERSON ARROYO: The enforcement unit, what--

DANIEL KASS: Well, some of our enforcement activities are in response to complaints. So, we depend on someone telling us about something and then we go out and investigate. That includes everything from, you know, dangerous animal circumstances to, to, you know, remember we have a respons--

CHAIRPERSON ARROYO: Let's focus on licensing.

DANIEL KASS: Mm-hmm.

CHAIRPERSON ARROYO: For now, as I said earlier, I'd like us to just do that. So, who enforces licensing? Is it the DOHMH staff, that unit that you referenced? Or is this something that the police officer or other public safety personnel can do as well?

DANIEL KASS: Yes.

CHAIRPERSON ARROYO: They can.

DANIEL KASS: Yeah, as I--we, the

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Parks Department and the Police are empowered to issue tickets for failure to license, correct.

CHAIRPERSON ARROYO: Okay. And how many, how many were written last year?

DANIEL KASS: We don't have those numbers. Sorry.

CHAIRPERSON ARROYO: So, could you tell us, get back to us how, how many were written by DOHMH staff enforcement personnel? And how many were written by other public safety, either NYPD, Parks or--

DANIEL KASS: Yes.

CHAIRPERSON ARROYO: --other enforcement personnel?

[whispered comment off mic]

CHAIRPERSON ARROYO: Okay, so, and we got some really smart people here on staff. They know the answer. Department of Parks issued 14 summonses last year. And NYPD, fewer than 15.

DANIEL KASS: Mm-hmm.

CHAIRPERSON ARROYO: Hm. I think I rest my case. Okay. Yeah, and that's, by the way, Pam Colbert, our Finance Analyst for the Committee, who's stuck in the corner over there.

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2 Wave, Pam. [laughs] I have a few more questions.
3 Colleagues, any questions. Jessica.

4 COUNCIL MEMBER LAPPIN: I had just
5 one, I want to be clear on something, because I've
6 been, I've been told sort of conflicting
7 information about the fine. I think the NYC.gov
8 on the DOHMH webpage says it ranges from \$200 to
9 \$2,000 and you said just now \$200. But I, I was
10 also told that State law sets it at \$120. So I'm
11 confused about what the fine would be.

12 DANIEL KASS: Well, the \$200 to
13 \$200 I believe refers to the Health Code, which
14 you know, the Health Code requires, also echoes
15 the State requirement for licensure. And so, if,
16 if--a tag, I'm sorry, a tag in public. And if, if
17 we were to issue a violation it would be
18 returnable to the Health Tribunal and they would
19 set the penalty. So that the range is basically a
20 range that a tribunal officer would set.

21 COUNCIL MEMBER LAPPIN: I'm in the
22 park, at Union Square, my dog isn't licensed, I
23 get a ticket, what does it say on it? \$120?
24 \$200?

25 JULIE BANK: It depends on who's

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issuing that violation. So--

COUNCIL MEMBER LAPPIN: Okay, so explain that to me, who issues what amount?

JULIE BANK: So, as far as the Police and the Parks, their violations go to another--the CEB. ECB, I'm sorry.

DANIEL KASS: ECB, Environmental Control Board, yeah.

COUNCIL MEMBER LAPPIN: PD and Parks summonses go to the ECB. And those are what amount?

JULIE BANK: Those are set at \$120. Now our--

COUNCIL MEMBER LAPPIN: Those are the ones that \$120. Okay. And if DOHMH issues a summons--?

DANIEL KASS: For failure to have a tag in public.

JULIE BANK: Public, right, so if our inspectors see a dog in public without the tag on his collar, they're citing from the Health Code and that starts at \$200 for that violation.

COUNCIL MEMBER LAPPIN: Okay, thank you.

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JULIE BANK: But they have to see that.

COUNCIL MEMBER LAPPIN: And thank you for testifying in support of the bill.

CHAIRPERSON ARROYO: Okay. I--I think, I don't want to talk too much about the financing, or the violations, I think what we're trying to do is encourage the practice to increase in both licensing in decrease the practice of tying up an animal to create an unsafe situation. Although, it behooves us to consider the impact that enforcement of these rules would have, on our financial situation in the City, and also to curb the behavior, either up or down, depending on which of the introductions we're discussing here. I look forward to continuing the dialogue with you, and hope that we can move these, both these pieces of legislation to, to a vote, as soon as possible in the Council, so then if--Dan, right? Yeah, if you can't say, I'm sure you'll leave some staff who will take back all the testimony of--

DANIEL KASS: We will.

CHAIRPERSON ARROYO: --everyone who will be testifying on the record today, so that

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you can hear their opinion of both.

DANIEL KASS: Thank you very much.

CHAIRPERSON ARROYO: Thank you both. Okay. Okay, we're going to do a panel of five, it sounds like a movie. And I think you guys get along, so that should not be too controversial. Ed Sayres, ASPCA; Dr. Stefan Chamstowsky [phonetic]--

MALE VOICE: Zawitowski.

CHAIRPERSON ARROYO: Samentowsky [phonetic], ASPCA. Michele Villagomez, ASPCA. Ah-ha, and Dr. Catherine Miller. And Dr. Rob Reisman, also from the ASPCA. [background noise] Okay, as the panel assembles, I'm going to implore you to please not read verbatim from your, from your written testimony. If you have a copy for the record, if you can summarize the, the comments, it really would be appreciated. So, you can choose who speaks first. We'll hear from all of you and then we'll go to the question and answer stuff. And welcome, good morning.

ED SAYRES: Welcome, thank you. My name is Ed Sayres, President of the ASPCA. And I do want to thank the Health Committee and

1
2 Chairwoman Arroyo for the opportunity to testify
3 in support of Intro 328. I'm going to speak to
4 328. And that would raise a dog license fee from
5 unaltered dog \$11.50 to \$34.00. And that
6 surcharge as we know would go to the Animal
7 Population Control Fund administered by DOH. With
8 over eight million residents and more than three
9 million companion animals in New York City's five
10 boroughs, the ideal backdrop for many of ASPCA's
11 programs, we work in communities all around the
12 City and serve low cost spay/neuter programs,
13 vaccination clinics, our hospital on 92nd Street,
14 we have our Humane Law Enforcement Team, that
15 fights animal cruelty. And when you look at that
16 all in terms of our services in New York, City, in
17 2010, the total of those services is \$20.5
18 million, and that does not include our grants to
19 the Mayor's Alliance and the funds that we give
20 directly to Animal Care and Control. We work very
21 closely with the Mayor's Alliance and New York
22 City Animal Care and Control and we're certainly
23 committed to reaching the day when no homeless
24 animal of reasonable health or temperament is
25 killed merely because she does not have a home.

1
2 Our commitment in helping New York City's animals
3 is the reason we support Intro 28, 328. We
4 believe that the increase for licensing fees for
5 unaltered dogs will encourage people to spay and
6 neuter their pets, as much as it's going to be a
7 contribution to the City Animal Care and Control
8 funding. ASPCA supports programs that provide
9 incentives to the public to spay and neuter their
10 animals, but we also recognize it's the most
11 serious overpopulation problem and animal health
12 crises often have in, happen in neighborhoods that
13 don't have access to veterinary care. And so
14 ASPCA, as you might know, brings these services
15 directly to the community by offering free or low
16 cost spay/neuter with our five fully equipped
17 mobile veterinary clinics. And those clinics
18 operate throughout the five boroughs, seven days a
19 week, and we're on track with 2010 to do over
20 30,000 surgeries this year and planning to do over
21 40,000 in 2011. This legislation has the
22 potential to raise the much needed revenues for
23 the City Animal Population Control Fund and
24 Program, but in order to make it effective as can
25 be, the City needs to increase the dog licensing

1
2 compliance. Now, according to the Fiscal Year's
3 Mayor's Management Report, we had 99,400 licensed
4 issued in 2010. As you've heard, Department of
5 Health estimate on dog population in the City is
6 400,000. We certainly think that number is much
7 greater, but let me just, and I will have to read
8 the numbers here, let's just look at the revenue
9 that, even if we accept the Department of Health's
10 number as the real number, what kind of revenue
11 we're losing. So, failure to implement an
12 effective dog license program has resulted in the
13 loss for the City of millions of dollars on an
14 annual basis. So if we were able to achieve a 50
15 percent compliance, based on the 500,000 estimate,
16 the City would raise approximately \$3.7 million.
17 And that's at a 75 percent compliance, it could
18 raise \$5.6 million. Now these figures are
19 calculated on, based on the results of the 2009
20 American Pet Product Manufacturer's survey that
21 found that 75 percent of the respondents had
22 altered dogs. You obviously have to figure this
23 out in the logical percentage of how many dogs are
24 altered. So this bill has the potential to
25 increase revenue significantly, if compliance were

1
2 encouraged and enforced. I mean, think about not
3 having a, not getting a dog license, is like not
4 getting a birth certificate for your child. A
5 well-funded animal control program is going to
6 reduce the number of cats and dogs euthanized, and
7 reduce potential threats to public safety and
8 health. So it is for all these reasons that we
9 support Intro 328, and we're very glad that
10 Council Member Lappin introduced this. And we
11 hope we get full support from the City Council.
12 Thank you very much.

13 STEVEN ZAWITOWSKI: Good morning,
14 my name is Dr. Steven Zawistowski, I'm the ASPCA's
15 Science Advisor. And I will not then read my
16 stuff, and I won't even reiterate what Ed said.
17 I'll speak to a couple of particular items here.
18 One is the fact that just keeping in mind that
19 the, that New York City has had dog licensing
20 since 1894, and that original one dollar fee was
21 enough to cover all the sheltering costs and the
22 increases in New York have been pretty moderate,
23 if you think about the cost of living increases
24 since 1894 to just going up to \$8.50. Some
25 general things regarding the value of licensing

1
2 within a community, among other things it does
3 ensure that a community and the people in the
4 community, recognize that the animals are
5 considered to be a part of that community. As Ed
6 indicated, having a dog license is like having a
7 birth certificate, having a dog license says, "My
8 dog is a part of this community," and the City
9 recognizes that. Dog licenses do play a critical
10 role in reuniting lost pets. Research by Dr.
11 Linda Lord in Ohio has indicated approximately
12 one-third of lost dogs are recovered because
13 they're wearing a licensed tag. Some other
14 research that I can point to is we have actually
15 looked at communities across the country regarding
16 their licensing fees. The differential within
17 this package is very modest. The fees for
18 unaltered animals can range from \$10 to actually
19 something over \$100, in some communities. So that
20 the \$34 is a relatively modest differential to be
21 expected. Some other interesting information
22 that's also very useful. One thing to keep in
23 mind, and I think Julie Bank if she's still here
24 could probably attest to it, and that is most of
25 the animals who do end up in the animal shelters

1
2 are animals who have not been spayed or neutered.
3 Spaying and neutering really ties into the overall
4 concept of responsible pet ownership and that it's
5 a great addition to be able to encourage this,
6 because once again as you bring people into the
7 system, you encourage all sorts of other
8 responsible pet ownership behaviors, such as
9 leashing your dog, cleaning up after your dog, and
10 everything else. One thing to keep in mind also
11 is that approximately three-quarters of the
12 puppies born in this country each year are born
13 from unplanned litters. So that by encouraging
14 spaying and neutering, you're going to be reducing
15 the numbers of unplanned animals that are being
16 produced in the community, and this will certainly
17 substantially reduce the number of animals coming
18 into the animal control animal shelters. And I
19 will reiterate what Ed did say, and that is we
20 respectfully urge the City Council to support this
21 bill and pass it.

22 MICHELLE VILLAGOMEZ: Okay, I'm
23 going to avoid being - -

24 CHAIRPERSON ARROYO: [off mic] - -

25 [technical]

1
2 MICHELLE VILLAGOMEZ: Is it on?
3 Okay. My name is Michelle Villagomez, I work with
4 the ASPCA in their Government Relations
5 Department, doing New York City Advocacy work.
6 I'm going to refrain from reading from my
7 testimony and just pick on some highlights. The
8 ASPCA, as has been said, supports Intro 328. We
9 think it's a great opportunity to take advantage
10 of developments at the State level. State law
11 recently changed, allowing New York City to keep
12 their surcharge differential money and not have it
13 go upstate. As we all know, when it went upstate,
14 there was a time when that fund was at risk, and
15 even rated by the State. So being able to keep
16 these resources in New York is actually great.
17 When we were sending our money upstate, that \$3
18 differential, we actually weren't seeing that much
19 money come back, because the animals adopted out
20 of shelters in New York already have to be
21 altered. So this is a great opportunity to
22 capitalize on what happened at the State, which
23 also allows us to raise the licensing fee for
24 unaltered dogs. So we really want the City to
25 seize this opportunity to bring more money into

1
2 this fund, supporting the increased surcharge of
3 \$25.50. But keeping licensing at the, at the
4 flat, stagnant rate that it has been, really
5 doesn't actually take advantage of this
6 opportunity. So we really would like to urge the
7 City and the Department of Health, and are willing
8 to work with them to encourage, to encourage
9 licensing of dogs. Many owners just simply don't
10 know that they have to license their dogs. If you
11 walk around informally, some people have the best
12 intentions but just don't know how to obtain a
13 license. Some people will think that their rabies
14 tag is sufficient; they don't know that they have
15 to license every year. It's not something that's
16 part of their psyche. We believe that the
17 deterrent is really not enough, because--and the
18 Council panel has brought this to light--that, you
19 know, if you are issued a ticket of \$120 it's
20 really few and far between, so it really doesn't
21 serve the deterrent value. Other municipalities
22 that have the same problem have been able to get
23 higher compliance by having cooperation from the
24 City agencies, and some of the advocacy groups,
25 educating people. We mentioned the short amnesty

1
2 period and, and the whole idea of New York as a
3 perpetual amnesty, but if done properly, an
4 amnesty period with a public education campaign,
5 could bring people in. The City of Riverside
6 California did a program where from July to
7 August, in coordination with a media campaign,
8 said, you know, "Register your pet for free." You
9 know, we, for these two months, register your pet
10 for free. In reality, it's not really a loss to,
11 to us, because it's not money that we're making
12 anyway, and it captures them into the system for
13 next year, we can send automatic renewal notices.
14 And people are more likely to do the right thing,
15 knowing that this money now stays in New York, and
16 helps unowned animals, and New Yorkers obtain low
17 cost spay/neuter. We are also suggesting that the
18 City could mandate licensing at point of transfer
19 stations. So, empowering the shelters to let you
20 walk out with a license tag in the moment, sort of
21 modeling it after fishing and hunting licenses,
22 where you could actually pay for it at the hunting
23 supply store, or you can walk out with your
24 license to go fishing. So, if people have more
25 access points to getting their dog licensed, I

1
2 think that they would be more likely to do it. In
3 regards to Intro 425, the ASPCA supports the
4 intent of, of it. We've been working with Council
5 Member Vallone for the last two sessions, and
6 we're really grateful that the City Council's
7 listening. And there's a dialogue on this issue,
8 and we're recognizing that this a really important
9 first step in enabling law enforcement to take
10 action before a dog begins to suffer. We look
11 forward to working with the Council in adding
12 provisions that would make it more enforceable, in
13 development of language. And one example of a
14 modification that could be added to it is
15 including a provision that would describe the
16 design and placement of the chain, it's length and
17 the type of tether used. Things like that, in
18 addition to the language that exists, would make
19 it easier for law enforcement to sort of walk up
20 to a site and say, "Oh, that's, that's two feet of
21 chain" and following testimony we'll show that,
22 you know, a lot of people do use improper tethers.
23 If someone's using, you know, metal chain link and
24 there's two feet of metal chain link, and an
25 animal really doesn't have that much mobility, an

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2 agent of humane law enforcement or NYPD can then
3 see it. So, you know, we've been really grateful
4 that the Council and Council Member Vallone has
5 been really flexible in taking input from people
6 on the field and on the ground doing it. So we're
7 really looking forward to working out language.
8 We encourage New York City to join in this effort.
9 Both of these bills have public safety
10 repercussions, and then also repercussions that
11 help people that own animals, and just the unowned
12 animals in the City of New York.

13 [pause, background noise]

14 CATHERINE MILLER: Good morning,
15 I'm Dr. Catherine Miller, the Director of Applied
16 Science and Research at the ASPCA. I have a Ph.D.
17 in Animal Behavior and I'm a Certified Applied
18 Animal Behaviorist, and a Certified Professional
19 Dog Trainer. And I'd like to thank the Committee
20 for the opportunity to testify that tethering is
21 detrimental to a dog's welfare and is a risk
22 factor for dog bites. Being tethered induces
23 frustration in dogs, and evidence of this is the
24 worn path commonly seen at the limits of the
25 tether as the dog paces back and forth there.

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2 Repetitive pacing is a warning sign for an animal
3 welfare problem. Tethering both restricts a dog's
4 normal movement and it frustrates a dogs basic
5 need for social interaction with its human family,
6 thereby limiting the dog's skills in interacting
7 with people in a friendly a pro-social manner.

8 Furthermore, when the dog reaches the end of a
9 tether, and as he tries to approach passing people
10 or dogs, he'll feel tension, strangling, even
11 possibly pain in his neck, and that repeated
12 pairing of passersby with this kind of discomfort
13 commonly causes dog directed and human directed
14 aggression, because the dog comes to associate
15 pain and discomfort with passing people and dogs.

16 A tether also presents a danger for entanglement
17 around a dog's neck or body or on nearby objects
18 that therefore limit the dogs movement and could
19 cause injury, prevent access to food, water or
20 shelter. And as everyone knows, a suffering
21 animal is predisposed toward aggression. A tether
22 also demarcates a spaced that a dog considers it
23 to be its territory, and unfamiliar people and
24 animals can easily pass into that and violate that
25 territory, purposefully or inadvertently because

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2 there's nothing to stop them from entering and
3 crossing that boundary. This can lead to
4 territorial aggression by dogs. Lastly, a tether
5 fails to provide a dog with any protection from
6 people or animals. So, if a dog is frightened or
7 taunted, and is held in place by a tether, he may
8 resort to aggression to try to drive the tormenter
9 away from him. And furthermore, an unspayed
10 female dog on a tether attracts harassment from
11 male dogs, and that can cause unplanned litters,
12 which ultimately contribute to shelter
13 overpopulation and also instigates maternal
14 aggressions, the dog protects her puppies. So,
15 overall tethering exposes both dog and people to
16 unsupervised and possibly dangerous interactions.
17 This risk really is not speculative, it's been
18 shown by the Centers for Disease Control that dogs
19 who have bitten were 2.8 times more likely to have
20 been tethered in the yard, and that likelihood
21 doubles among incidents where the bite victim was
22 twelve years old or younger. So in other words,
23 tethering is a significant risk factor for dog
24 bites, particularly to children. So, thank you
25 for your time and consideration.

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2 CHAIRPERSON ARROYO: Before you
3 begin, I'd like to acknowledge we've been joined
4 by Council Member Ferreras.

5 ROBERT REISMAN: Good morning, my
6 name is Dr. Rob Reisman. I work at Bergh Memorial
7 Animal Hospital, the ASPCA Animal Hospital, on
8 East 92nd Street, here in Manhattan. I've been
9 employed as a veterinarian at the ASPCA for 22
10 years, and for the last 15 years, my focus has
11 been forensic veterinary medicine. So I see the
12 results of unrestricted tethering. The bottom
13 line is that tethering as it exists now in New
14 York City, with no restrictions on length of time
15 an animal is tethered, or how an animal is
16 tethered, is cruel. Plain and simple,
17 unrestricted tethering of dogs is equivalent to
18 neglect. Many dogs are tethered 24 hours a day,
19 they likely spend a good portion of their life at
20 the end of a chain. All kinds of materials are
21 used for tethers: chains, wires, ropes; most are
22 not appropriate. It's not uncommon for humane law
23 enforcement to report to us that the dog that they
24 found was tethered on a lead that was less than
25 two feet long. The dog is unable to move from the

1 spot where they're tethered, and it literally
2 stands in its own excrement. The unvarnished
3 truth is that tethering is neglect. Although
4 there is currently no law in New York City to
5 restrict--to regulate unrestricted tethering.
6 Neglect associated with 24 hour tethering extends
7 beyond the cruel nature of a chained existence, as
8 Dr. Miller testified to. In my work, I have seen
9 numerous cases where tethered dogs are also
10 starved, in some instances starved to death.
11 Cases where they have strangled on their tether.
12 Tether dogs are frequently parasitized, the result
13 of living in a filthy environment. The parasites
14 can be communicable to people; children are
15 especially at risk. Due to their limited
16 mobility, these tethered dogs cannot protect
17 themselves from other animals or people. It's
18 common for these dogs to present with bite wounds,
19 sometimes very severe. Dogs left outside 24/7 are
20 unlikely to be the group of dogs that's vaccinated
21 for rabies. Right now the rabies problem in New
22 York City has extended to all five boroughs; there
23 is rabies in the raccoon population, in all five
24 boroughs. This represents, these tethered dogs
25

1
2 represent an additional risk for exposure of
3 people to the rabies virus, a fatal virus of
4 people. Another, another common problem with
5 neglected, tethered dogs, is as you can see, dogs
6 who have developed what is called an embedded
7 collar. We use the term collar loosely.
8 Sometimes the collar is a chain, the chain
9 literally becomes embedded in the tissues of the
10 dog's neck, the dog experiences extreme pain from
11 this, and it requires general anesthesia and a
12 surgical procedure to remove the chain. It is
13 also not unusual for tethered dogs to have
14 inadequate shelter. Again, the neglect extends
15 beyond the cruelty of a chained existence. These
16 dogs are exposed to extremes of weather, 100
17 degree days, temperatures below freezing during
18 the winter, as we've had this week. Severe
19 rainstorms, and we've seen animals experience all
20 of this, sometimes with fatal consequences. In
21 many of these situations, you have a sick dog and
22 a dog in pain, who has minimal contact with
23 people. These dogs, as Dr. Miller testified to,
24 are frequently unsocialized, they're frequently
25 good dogs placed in bad situations. And if they

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2 break free from their tether or someone walks into
3 their territory unsuspectingly, they're certainly
4 at risk for serious injury. Children are
5 especially at risk. They love animals. They're
6 certainly going to go up to an animal if they can,
7 and interact with it. Unrestricted tethering of
8 dogs should not be allowed in our great City. It
9 is cruel, and in addition to the severe
10 consequences experienced by these neglected,
11 unfortunate dogs, it represents a serious risk to
12 human health, as well. Thank you.

13 CHAIRPERSON ARROYO: Thank you all
14 for your testimony. Council Member Lappin,
15 questions?

16 COUNCIL MEMBER LAPPIN: Really,
17 it's just a comment. The last two speakers didn't
18 testify about my bill, so I'm just going to focus
19 on the ASPCA. Thank you for coming, thank you for
20 being in support, thank you for all the work that
21 you do every day to protect the animals of our
22 City and take care of them. And I just wanted to
23 reiterate as you mentioned how this increase is
24 very comparable and reasonable to what other
25 jurisdictions are doing across the country. And

1
2 make note of the amount of revenue we really can
3 raise here. And, you know, it's significant, and
4 in times where we are so desperate for every
5 penny. And looking at cuts in every City agency
6 to have the possibility at just 50 percent
7 compliance of raising almost \$4 million, and
8 that's a pretty conservative estimate, you know,
9 to me it's really a no-brainer. So, thank you.

10 CHAIRPERSON ARROYO: Council Member
11 Vallone?

12 COUNCIL MEMBER VALLONE: Thank you.
13 I'm going to be brief, since the City does no
14 enforcement, it appears the entire ASPCA is here,
15 and there's nobody doing anything out there so
16 [laughter] I want to get you guys back on the
17 street. Thanks for that, and I'm pretty sure
18 we'll eventually get a tethering through this
19 committee now that they've, they've seen that
20 firsthand, you pretty much answered all my
21 questions. But I'll just ask something we didn't
22 touch on, as I mentioned there's so many attempts
23 to, to deal with tethering throughout the country.
24 What have you seen has been working and especially
25 when it comes to enforcement. There are

1
2 different, different approaches to this,
3 completely banning tethering, allowing tethering
4 with certain parameters. So what do you, what's
5 been working.

6 STEVEN ZAWITOWSKI: I think one of
7 the key elements here on the enforcement question
8 is we've seen the way other folks have addressed
9 it, I mean as pointed out, you're not going to
10 stake out somebody's yard to see how long they've
11 been tethering their dog. But I think the
12 critical thing is, because it is made a violation,
13 at least, that gives a law enforcement officer
14 essentially probable cause or reasonable cause to
15 move up, you know, knock on the door, say "We have
16 a complaint that your dog is being tethered. Are
17 you aware of the fact that there's a law against
18 this. Your dog cannot be tethered." At the same
19 time, when they are present on the property,
20 they're actually able to observe some of the other
21 things that Dr. Reisman spoke about, and that is
22 the presence of dangerous materials around the
23 dogs, sometimes you'll see these dogs are being
24 tethered up to junk cars or something like that.
25 You'll see whether or not the dog looks to be in

1
2 good physical shape. As again, once, we've seen,
3 there's a suite of irresponsible behaviors that go
4 along. These dogs are not being fed properly,
5 they'll often have problems with skin conditions,
6 mange or some other types of problems. So, again,
7 what this does, I think if we think about it, it
8 gives the same opportunity to a cruelty
9 enforcement officer, that the broken taillight
10 does on the car. And if I would say anything, you
11 know, what the City has pursued in the past two
12 decades, to bring down the crime rate, has been
13 the "one broken window in the warehouse" concept,
14 and that is it's the simple quality of life crimes
15 that gives you an opportunity because you often
16 find that the person who'd perpetrating some of
17 these other, what we would consider minor crimes,
18 is also doing something more substantially
19 serious. And what we can, when we address some of
20 these tethering questions, it gives us an
21 opportunity to walk up the stairs, knock on the
22 door, take a look at the dog, and then we can
23 address many of the other questions.

24 COUNCIL MEMBER VALLONE: So, you
25 heard the City talk about their objections to, to

1
2 enforcement. You're okay with you being the
3 agency that does the enforcement? Is there anyone
4 else we should be giving that authority to?

5 MICHELLE VILLAGOMEZ: NYPD.

6 COUNCIL MEMBER VALLONE: NYPD?

7 STEVEN ZAWITOWSKI: NYPD already
8 has that authority. And--

9 COUNCIL MEMBER VALLONE: They have
10 that authority, and do we need to, well we would
11 need to--how do you, in drafting this bill, where
12 should we grant the authority to that's not
13 already granted?

14 STEVEN ZAWITOWSKI: Well, I think
15 it, it would be for the ASPCA, as we continue to
16 enforce all the laws related to the mistreatment
17 of animals. But I also think having NYPD
18 involved, because they are essentially tasked with
19 enforcing all the laws of the State of New York
20 and the City of New York. I think a critical
21 question here, and Mr. Sayres addressed it in
22 actually a Huffington Post thing, and we actually
23 had a press release on it this week, regarding the
24 understanding of police of cruelty laws. And
25 there is a deficit in terms of how much they

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2 understand about this. We've had a standing
3 tradition where our agents and some of our
4 attorneys have actually gone to the Police Academy
5 and we have done training in the academy to ensure
6 that the New York City Police Officers do
7 understand their authority in animal cruelty laws,
8 as well as what those laws entail. And so, again,
9 it comes down to a holistic approach that we would
10 work with the New York City Police Department,
11 with the various prosecutors in the City, as well
12 as the Department of Health to ensure that both
13 the law is known, as well as its enforcement.

14 COUNCIL MEMBER VALLONE: Okay. And
15 you point to a very, a very big problem out there,
16 what's happening in, say, Tompkins Square Park
17 right now, with animals being attacked by other
18 animals. That happens to your animal, you are
19 just in this giant, I don't even know, matrix
20 [laughs] which you can't get out of when it comes
21 to one agency sending you to another agency, and
22 whether you're wanting to take responsibility, the
23 police don't do any investigation. And we need
24 to, people need to know what the laws are. You
25 spoke about, right, so we've been working together

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2 on this, and we're going to continue to work
3 again, on this, on the tethering bill. As you
4 know, most likely you're not going to get
5 everything you want, and, and the Council not
6 going to get everything it wants, but we want to
7 know what you, what you want, and then what we can
8 pass, and then we will pass something. I, I can't
9 promise you that, but I will try my hardest and
10 not rest until we pass something. And I believe
11 we have the Chair's support. I haven't spoken to
12 her about it personally yet, so I don't want to
13 put her on the spot in public.

14 FEMALE VOICE: [off mic] Yes, he
15 does.

16 COUNCIL MEMBER VALLONE: Yes, I do,
17 see that's great. See, I did kind of put her on
18 the spot there. Only for animals, I do that, and
19 not for--[laughs, background comments] Yeah, sign
20 this right here. So we're going to continue to
21 work on that. When it comes to Council Member
22 Lappin's bill, you mention, it's like not getting
23 a birth certificate. What can we do as a body to,
24 you know, legislate, to help you, to get this
25 done? You came up with some ideas, Michelle, you

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2 know, should we have a law that you can't leave,
3 you know, a dog, you know, wherever you're buying
4 the dog from, without a birth certificate, or a
5 law making them available in more places? What--
6 in other words, - - , registration. What can we,
7 can we do anything to help you?

8 MICHELLE VILLAGOMEZ: I guess even
9 at the most basic level, we really would
10 appreciate, and I know you guys put out like those
11 great little community newsletters, they go out,
12 just spreading the word. A lot of people don't
13 know about it. And I'd have to check what the
14 regulations are, but I think DOH has, has purview
15 on who their, they allow to issue licenses, like
16 license issuing officers. So I know that many in
17 the shelter community, right now currently, when
18 people adopt a dog, they walk out with a license
19 application. We don't have the authority to
20 actually process it, but I know at the ASPCA
21 shelter, they are given a license application.
22 So, if, if DOH became amenable to allowing people
23 to obtain licenses in alternate ways, it was
24 interesting to hear the idea of a kiosk concept.
25 You know, having greater points of access and

1
2 having people know about the benefits of
3 licensing. And I think, I'm going to reiterate
4 something that Council Member Lappin said at the
5 press conference this morning. I like to be
6 optimistic that if, if people are given the
7 opportunity to do the right thing, and given the
8 option, if thirty--if they find that \$34 is
9 burdensome, there are programs out there, we have
10 clinics that do free or low cost spay/neuter. So
11 then they can, you know, have the option of paying
12 the \$8.50 which really hasn't been increased, and
13 the State law doesn't really give us the
14 opportunity to raise the unaltered dog fee. So,
15 people have the option to find somewhere to get
16 affordable low cost spay/neuter. And I think it's
17 just a question of letting people know that these
18 are their options. And I think now that AC&C and
19 we're, you know, people are seeing stories in the
20 news about how short funded they are, and you
21 know, how in need the City's animals really are.
22 They might be likely to do it, you know, knowing
23 that this money stays in New York, and it's going
24 to go to New York's animals.

25 CHAIRPERSON ARROYO: So, someone

1
2 earlier, I think it was on this panel, referenced
3 you can go to the sporting goods store, buy your
4 camping and fishing equipment, and also get a
5 license. What empowers that to happen? And not a
6 pet store being able to do the same thing?

7 STEVEN ZAWITOWSKI: That, that is
8 coming from the State authority.

9 CHAIRPERSON ARROYO: Okay.

10 STEVEN ZAWITOWSKI: And so, the
11 State Department of Environmental Conservation,
12 who is responsible for licensing for hunting and
13 fishing licenses. And as a part of that, they
14 also enable the person who is selling it, actually
15 is able to keep essentially a vendors fee, as
16 well. So it's similar to, I think, selling
17 lottery tickets where, you know, you get a portion
18 of the proceeds when you, when you do those sales.
19 You know, I think, if we're looking at what the,
20 the possible good sign here is, I think we can
21 look back historically, in the late 1980s, there
22 were over 270-some thousand licensed dogs in the
23 City of New York. This was before there were
24 computer databases. One would have to think that
25 now that we actually have computers available to

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2 track these things, we should be able to exceed
3 what was being done in the 1980s with, you know,
4 carbon paper applications and, you know, I
5 remember we used to have shoeboxes of files at the
6 ASPCA. So, I would have to think that we'd be
7 able to do a better job at this stage with
8 computers.

9 CHAIRPERSON ARROYO: I know that in
10 healthcare institutions, your clinics, you're
11 supposed to provide the patient bill of rights,
12 the confidentiality ... information that a patient
13 has to acknowledge, that they've received;
14 otherwise the provider is held accountable for
15 that. We're not asking our pet stores to say to
16 anyone who walks out with a new puppy, "This is
17 what you're required to do as it relates to this
18 puppy, here's the documentation you need, and by
19 the way here's the license application, that I
20 strongly recommend you complete." Do you know if
21 we have any such requirement?

22 MICHELLE VILLAGOMEZ: There,
23 there's no current requirement in the City that
24 would, I guess, outsource licensing or let people
25 do it. I think people do it more informally.

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2 CHAIRPERSON ARROYO: Oh, no, I'm
3 suggesting they do it, but, but be mandated to
4 provide--

5 MICHELLE VILLAGOMEZ: I think they-

6 -

7 CHAIRPERSON ARROYO: --the
8 information about, you know, the rule is that you
9 must license your animal, and since we're selling
10 one to you, I'm also obligated to tell you that as
11 an animal, as a dog owner, you're required to do
12 A, B and C, and here is all the documentation you
13 need for you to accomplish that responsibility
14 successfully.

15 MICHELLE VILLAGOMEZ: That's, that
16 is something we'd be supportive of. Currently at
17 pet stores, they're only obligated to tell you
18 where the, where the puppy came from. You know,
19 that's part of it. They're supposed to tell you
20 where they got it, and information about the
21 breeding facility name and information like that.
22 But we, we'd really encourage that so that, you
23 know, you buy a dog in New York City, these are
24 requirements of a dog living in New York City.

25 CHAIRPERSON ARROYO: Yeah, okay.

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2 Joe is not happy about that, it's just going to be
3 more work for him, having to research it.

4 [laughter] But--

5 ED SAYRES: I just want to add a
6 couple of comments on that. You have to think
7 about sourcing, where are people getting animals,
8 so twice as many people are getting the shelters
9 than at pet shops, so just in terms of targeting.
10 Who can empower them, so that shelters are more
11 likely to get that instruction and mandate. At
12 pet shops, not, they have no interest in doing
13 that. But the bigger exchange--

14 CHAIRPERSON ARROYO: Because
15 they're not required to do so, right?

16 ED SAYRES: They're not required.
17 But realize, sourcing is getting animals, is the
18 biggest source's friends, friend to friend. So,
19 you do, you know, when DOH was talking, and I've
20 been in a, you know, seven year conversation with
21 DOH about licensing and trying to help them. And
22 Council Member Lappin is saying, it is carrot and
23 stick, it is a combination. I'm just saying, as
24 New York City, the carrot could be unbelievably
25 creative, and DOH has had this responsibility for

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2 20 years. So, if you're getting a little
3 frustrated with their learning curve, it has been
4 20 years. And so we've seen license compliance go
5 from 270,000 to 99,000, obviously dog population
6 has risen. So I think there's got to be more, you
7 know, leverage from City Council on DOH to, to get
8 going here. It was a very positive meeting with
9 them on Calgary, which is the model for the world
10 in terms of licensing, that not only brings in
11 funding for animal care and control, but actually
12 turns a profit. And with that profitability, they
13 put that into spay/neuter programs, and other
14 compliance. So it's just, it is the perfect
15 system. Now, we're not going to have the perfect
16 system in New York City, but there are models and,
17 you know, DOH does have to be urged to, you know,
18 quicken the timeline here, and at the same time,
19 whether it's the mayor or celebrities or whoever,
20 you know, having a dog license could be the
21 coolest, hippest thing ever in New York City. And
22 you've got to use those kind of incentives.

23 CHAIRPERSON ARROYO: Okay. Maybe
24 we need to make some of our children ambassadors
25 on this issue, as well. We pay a lot of attention

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to our children. I know I recycle better because my kids make me do it. [laughs]

ED SAYRES: Oh, great.

CHAIRPERSON ARROYO: Any other questions, my colleagues? Thank you all for your testimony, your input. I'm sure the conversation's going to continue, and we look forward to moving both of these pieces of legislation out of this committee sooner rather than later.

ED SAYRES: Thanks very much, we really appreciate that.

CHAIRPERSON ARROYO: Mm-hmm.
Elinor Mobit--Molbegott, that's a G, okay, Humane Society of New York; Patrick Kwan, the Humane Society of the United States; Jane Hoffman, NYC Bar Association--huh, got some lawyers in the house, Peter--Jeanette Patterson, PETA; and Ether, Esther Koslow, Shelter Reform Action Committee.
Welcome all. I think you've all been here before, at some point, right, you know the drill. Choose who's going to speak first, and speak into the mic, identify yourselves and you may begin when you're ready.

1
2 JANE HOFFMAN: Okay, I'll plunge
3 in. I'm Jane Hoffman, I'm from the New York City
4 Bar Association. And we're very happy to be here
5 to testify in support of Intro 425. We thank you
6 for taking this matter up, and we thank very much
7 Council Member Vallone for bringing this really
8 important issue. The Committee urges approval of
9 the proposed legislation, with some
10 recommendations. You've heard many of those.
11 We'd strongly and respectfully request that they
12 broaden it to restrict tethering indoors, as well.
13 We, there is some legal enforcement for that, that
14 would be, we feel would be possible, that would
15 have legal support. In addition, the Committee
16 recommends that the proposed legislation include
17 specific restrictions concerning chain length,
18 type of tethering device or collar; we heard from
19 the ASPCA the horrors of what some of these
20 animals are tied up with. And require that the
21 chained dog have access to covered shelter and
22 water. That there be a minimum length in feet for
23 a tethering device attached to a fixed point, and
24 a minimum ten feet for a running, cable trolley
25 system, that would be 15 feet and ten feet

1
2 respectively; that would apply to small dogs only,
3 with the tethering lengths increased in proportion
4 to the size of the dog. And finally, while the
5 restriction of three continuous hours in a twelve
6 hour period is an acceptable and welcome standard,
7 we would prefer a standard of three continuous
8 hours in a 24 hour period. These provisions have
9 all been incorporated in some of our sister states
10 anti-cruelty, which restricts tethering as
11 inhumane and dangerous. And as instructed, I'm
12 skipping through the comment. Just to mention
13 again, it was brought up before, chained dogs
14 represent a serious threat to public safety.
15 Nationwide, it has been shown that it has a
16 negative physical and psychological effect on the
17 dog. Dogs that are chained up for long periods of
18 time are not properly socialized and have a
19 tendency to be more aggressive. And this comes
20 from the Center for Disease Control, the United
21 States Department of Agriculture, the Humane
22 Society of the United States, and the American
23 Veterinary Medical Association, all show that
24 chaining or tethering dogs creates dogs that are
25 at significantly greater risk to bite. According

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2 to one study by the Center for Disease Control,
3 biting dogs were more likely to be male,
4 unneutered and chained. So these two bills today
5 really will make a remarkable difference in public
6 safety. The cruelty to the dog has already been
7 discussed, so I'm just going to step over that
8 subject and in conclusion, the passage of the
9 proposed legislation will enhance animal welfare
10 by prohibiting tethering practices that constitute
11 a well-recognized form of animal cruelty. At the
12 same time that it protects the public from a
13 dangerous practice. New York City will proudly
14 join a growing number of jurisdictions that have
15 recognized the inhumane nature of unrestricted
16 tethering and the threat it poses to the safety of
17 well--and welfare of both dogs and humans. So we
18 thank you very much, and we urge passage of this
19 bill with some modifications. Thank you.

20 ELINOR MOLBEGOTT: Hi, I'm Elinor
21 Molbegott, Legal Counsel for the Humane Society of
22 New York, and I want to thank you all for having
23 this hearing, we really appreciate it. Before I,
24 you know, read my summary of my testimony, I just
25 want to clarify something. In New York State,

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2 there's a law, an unconsolidated law, called the
3 Laws of 1894, Chapter 115, which is the New York
4 City Dog License Law, but it is a State law. And
5 under that law, it says that no person holding a
6 permit issued pursuant to Section 16109 of the
7 Health Code of New York City shall sell a dog
8 without first requiring the purchaser to submit an
9 application for a dog license and to pay all
10 required fees, unless the person lives out of
11 state. The Humane Society of New York sells the
12 dog licenses. The City Health Department, in the
13 past, used to go to the shelters and make sure
14 that in fact these were sold. The shelters and
15 pet stores, 'cause the pet stores are also
16 required to have a license under 16109, are
17 allowed to keep one dollar for each license that
18 they sell, so it's somewhat of an incentive to, to
19 actually comply with the law. And for many years,
20 when the ASPCA was in charge of dog licensing,
21 they did monitor very carefully that the pet
22 stores and the shelters were in fact complying
23 with this, and a good deal of revenue came from
24 that. And I should also mention, when the AS--I
25 was general counsel for the ASPCA for 15 years--

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2 and when I was there, the ASPCA was in charge of
3 licensing. And the reason, in part, that there
4 were 300,000 licenses sold, and that number then
5 went down, was because the ASPCA had a licensing
6 department. And the agents would go, the officers
7 would go zip code to zip code, and do a blitz, and
8 issue hundreds of summonses. I used to go to
9 court and while many people didn't respond to the
10 summonses by going to court, they, if they
11 complied by mailing in their license fee within
12 that time, the ASPCA would just dismiss the case.
13 So they were kind of given a grace period with the
14 summons itself, and it did encourage compliance
15 and it did bring in a lot of money. So, it's not
16 as if there was no system in place, or that
17 magically the number reduced. It reduced because
18 the program ended, and nobody's done it since.
19 So, and as well, as I don't know to what extent
20 the Health Department is now enforcing the section
21 that requires shelters to collect the money, and
22 pet stores to collect the money, but that is a
23 large source of income. And we don't need a new
24 law, necessarily, 'cause the law's already State
25 law. It's already here. It's just because it's

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2 an unconsolidated law that people don't seem to
3 know about this particular law. So, that's just
4 one clarification. We strongly support Intro No.
5 328 to raise revenue for the New York City Animal
6 Population Control Program. And it's already been
7 mentioned that there's two reasons for doing this:
8 one is to raise revenue and one is to encourage
9 people to have their animals spayed or neutered,
10 which was not really something that could've,
11 would've been accomplished with the three dollar
12 differential, 'cause the three dollar differential
13 just wasn't enough to do any more than be a
14 fundraising tool. But the diff--the larger
15 differential will hopefully encourage people to
16 actually have their animals spayed or neutered,
17 assuming that there's enforcement. Because if
18 there's no enforcement, the larger fee may just
19 result in fewer people licensing their animals,
20 because instead of paying \$11.50, people who maybe
21 were on the fence in terms of compliance are going
22 to pay \$34.00. And if there's no enforcement,
23 that could end up causing a problem, as well. We
24 also believe at the Humane Society of New York
25 that we need to look into other funding mechanisms

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2 for the Animal Population Control Program. The
3 State Overpopulation Control Program is funded
4 from a variety of sources, including revenue from
5 animal friendly license plates, penalties for
6 violations of certain sections of the Agriculture
7 and Markets Law, and the general business law.
8 The funding has expanded over the years as new
9 laws get passed and language is put in these laws,
10 earmarking the funds to the overpopulation control
11 program. The problem we have now is that these
12 funds going forward are not necessarily earmarked
13 to New York City's program. They're earmarked
14 still to the State program. So, we believe that
15 State legislation may be needed to provide that
16 money's generated from New York City residents,
17 for example from the sale of pet-friendly license
18 plates and other sources, go into the New York
19 City fund not the State fund. There was language
20 in the State Budget Bill authorizing the transfer
21 of funds from the State Animal Population Control
22 Fund to the City fund, but the language does not
23 apply going forward. The sale of pet friendly
24 license plates is the most likely to generate
25 substantial sums of money. Hundreds of thousands

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2 of dollars and even millions of dollars have been
3 raised in some states from the sale of these
4 license plates. Based on our preliminary
5 research, Florida, Georgia, Ohio, Tennessee and
6 Texas are very successful programs. In Florida,
7 for example, according to published reports, in
8 2009, more than \$400,000 was distributed from
9 moneys derived from license plate sales. New York
10 State pet friendly license plates were designed by
11 renowned artist Peter Max. Efforts should be made
12 to publicize the availability of these plates, and
13 then more money will be generated into the City's
14 fund, assuming that there's a state law that will,
15 moving forward, get the moneys to New York City
16 that were generated from New York City residents.
17 There's also a provision in New York State law now
18 to, for a one dollar, minimum of a one dollar
19 surcharge on all altered dogs, to go into the
20 State's overpopulation program. And because a lot
21 of licenses that are purchased would, are more
22 likely from people who do have their animals
23 altered, this one dollar plus surcharge would be a
24 good thing for New York City to have as well.

25 COUNCIL MEMBER LAPPIN: Okay, thank

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you. Oh, okay, sorry, are you--

ELINOR MOLBEGOTT: No, I'm almost done with this.

COUNCIL MEMBER LAPPIN: Okay.

ELINOR MOLBEGOTT: So, we would encourage the State, the City to support this legislation for the State, so that this would happen, as well. So those are my comments on 328. I have some comments on 425. We thank Council Member Vallone for sponsoring this legislation. We strongly support the legislation. Tethering for extended periods of time is inhumane, as you've already heard. Dogs require exercise, socialization and the ability to move without restraint. The American Veterinary Medical Association issued a statement in which it stated, never tether or chain your dog, because this can contribute to aggressive behavior. In reviewing the many tethering ordinances throughout the State, we found some provisions that we believe should be included in the legislation. The tether must be in an area free of objects that may cause entanglements. Tethers must be a minimum designated lane. Choke or pronged collars should

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2 be banned and not used. Animals must be
3 monitored. Animals under a specified age
4 shouldn't be tethered. Unsterilized animals
5 shouldn't be tethered. The chain or the tether
6 must not weigh more than a certain amount.
7 Tethering in an area where the animal can be
8 teased or abused by other animals, or by person,
9 other people, or by people, should also be
10 prohibited. We also suggest that language be
11 modified in the legislation to make it clear that
12 the tethering is not permitted for any length of
13 time if it would violate the New York City's leash
14 law. All too often people have their dogs
15 tethered outdoors when going into a store. This
16 action places the dogs and others at risk. I
17 can't tell you how often I receive calls from
18 people who have either been bitten by a dog that
19 they see unattended outside or an animal that's
20 been killed when somebody has walked an animal by
21 another animal. We also think it, the law needs
22 to be very specific that the ASPCA has the right
23 to enforce it. We think the language currently in
24 the law is, is not that clear, in that respect.
25 And we also suggest that there not just be a

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2 warning for the first offense, as with other laws
3 prescribing actions. We believe there should be
4 repercussions, including at least a fine for the
5 first offense, with increasing penalties for
6 subsequent offenses. We thank you very much for
7 considering our suggestions and we're available
8 now and at any time after today to discuss both
9 bills.

10 PATRICK KWAN: Hi, my name is
11 Patrick Kwan, I'm the New York State Director for
12 the Humane Society of the United States and we are
13 the nation's largest animal protection
14 organization, with over eleven million members and
15 supporters, including 217,000 in the City of New
16 York. As instructed, I will actually only provide
17 a summary of my comments, since a lot of the
18 points have already been made. The Humane Society
19 of the United States, looking at a survey of the
20 differential costs, actually, across the country,
21 based out of the ten most populace cities in the
22 nation, New York City actually has the lowest
23 differential amongst the ten most populace cities.
24 The next lowest is we have a three dollar
25 differential in New York City currently. The next

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2 lowest is actually \$8 in Philadelphia. And the
3 highest is \$85 in Los Angeles. And effective
4 mandatory registration programs, also known as
5 licensing programs, can generate key revenue for,
6 to increase numbers of lost pets returned to their
7 owners, increase funding for spay/neuter programs
8 and decrease euthanasia of animals. And the
9 mandatory registration programs are actually most
10 effective in communities that spread the message
11 that registrations of pet protective service. And
12 also that the process is actually made easy and
13 convenient and also where the municipality
14 actually invests in promotions and public
15 outreach, and the Humane Society of the United
16 States would offer our support and expertise to
17 assist a City in creating a successful education
18 program with these elements. And we're also very
19 thankful to Council Member Peter Vallone for the
20 tethering bill and the Humane Society of the
21 United States offers our support for the bill
22 which will protect animals from inhumane tethering
23 and chaining, and also protect the public from
24 chained dogs who can become dangerous. As in
25 several studies that have been cited, including

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2 the Centers for Disease and Control study, that
3 you know, these are basically that they're three
4 times more likely than untrained dogs to bite and
5 nearly five times more likely to bite children
6 when that--and also, really by restricting
7 tethering and chaining, New York City is moving in
8 the right direction to create a safer and more
9 humane community. Thank you.

10 JEANETTE PATTERSON: Good
11 afternoon, and thank you for giving us an
12 opportunity to speak on this issue. I'm Jeanette
13 Patterson, a Director with PETA, People for the
14 Ethical Treatment of Animals. And on behalf of
15 our 20,000 members and more than our two million,
16 or 20,000 New York City members, and our two
17 million members, we encourage the Committee and
18 the Council to vote for passage of Intro 328 and
19 425. Dozens of cities across the country have
20 licensing differential, as you've heard today.
21 And we're just very excited to have this
22 opportunity here in New York. You know, the
23 obvious thing is that these fees are going to help
24 raise the money to prevent the animals from coming
25 into the shelters, and those are, that's a

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2 taxpayer burden separately. On a separate note,
3 very personal note, keeping it off the record of
4 my written testimony, I'm owned by a super-cute
5 little poodle, that I take into Central Park on a
6 regular basis. And when I first came to New York,
7 I allowed her to get off the leash to roll in the
8 snow. And I got a ticket. Well, I paid a high
9 fine, but nobody asked about a license, there
10 wasn't a question. And then actually, she had a
11 different outfit on recently, and I was in the
12 park and she stepped into a little patch of grass
13 that isn't allowed to have dogs, even during the
14 off-leash areas. Again we earned a ticket. No
15 question about licensing. So on a very personal
16 note, I'm in the park three times a day,
17 surrounded by dog people, no one is ever asked
18 about having a license. I think there's a huge
19 opportunity for revenue raising there. So, going
20 to the chaining issue, we're very, very grateful
21 for Council Member Vallone's stance on this, it's
22 long overdue. PETA runs a local community project
23 out of, in the south, and we see these chained
24 dogs on a daily basis and pull off corpses of
25 chains, and this is long overdue. You've got

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2 chaining prohibited in Texas and Arkansas and
3 Georgia, and North Carolina. We can do it here in
4 New York. So thank you very much. We look
5 forward to seeing these bills pass.

6 ESTHER KOSLOW: Hello, my name is
7 Esther Koslow, and I represent Shelter Reform
8 Action Committee. And I'm here to thank the
9 Committee and particularly Councilwoman Lappin for
10 proposing 328, the, to increase the surcharge on
11 unaltered animals. This increase is a long time
12 in coming, but here's the problem: the surcharge
13 moneys are going to stay with the Department of
14 Health, and they're going to stay with the
15 Department of Health under some requirement that
16 it be used for spay/neuter activities, it's kind
17 of wishy-washy. Entrusting the DOH with anything
18 having to do with the welfare of animals is self-
19 defeating. As Ed Sayres has pointed out, the DOH
20 has had 20 years being in charge of licensing for
21 animals and has been an abysmal failure. As Ed
22 Sayres pointed out, the Department of Health's
23 estimate of the number of dogs in New York is
24 really way off the mark. They would like you to
25 believe that they have a, a rather, you know, 20-

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2 25 percent compliance rate. It's estimated that
3 the DOH's record is five to ten percent, at most.
4 And this is after 20 years. Now, why is the DOH
5 so lackadaisical about licensing? About
6 conditions at the shelter? About obeying the
7 Shelter's Law, which this City Council passed in
8 2000, to create shelters in The Bronx and Queens.
9 It's not their fault, their mandate, as Mr. Kass
10 from the DOH was telling you, is to protect people
11 from animals. They have absolutely no mandate.
12 You look at their papers, their mandate is not the
13 care of animals, their mandate is to protect
14 people's health and to protect people from
15 animals. Therefore, their record, being the
16 control over animal care and control for 15 years,
17 would be laughable if it weren't so sad, in having
18 such cruel ramifications for the animals. So,
19 I've heard you pepper the DOH about compliance,
20 what they do, what they're going to do, with the
21 moneys that are going to go into this Animal
22 Control Fund. And they're thinking about it.
23 They're thinking about maybe some educational
24 processes. They're thinking about maybe some
25 enforcement, but they really don't want to be

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2 responsible for enforcement. And it all depends
3 on how much money they can get from the revenues,
4 and it's always, "Well, maybe we'll do it,"
5 they're never going to do it. And in fact, the
6 licensing revenues they have been able to accrue
7 to date, they don't, never set in an aside, in a
8 special fund for the ACC&C, when they were
9 creating the budget every year for the AC&C. No,
10 - - . The AC&C was never a budget created as, as
11 needed, to perform the services under Animal Care
12 and Control's contract with the DOH. It was just
13 what the DOH was going to slice out from its
14 budget. And what it sliced out was a tiny
15 fraction of its budget. What I'm trying to tell
16 you is that the big elephant in this room, which
17 has to do with the surcharges, the DOH shouldn't
18 be in this room, shouldn't have anything to do
19 with animal care. Yeah, it still needs to be
20 responsible for preventing rabies, but beyond that
21 it has no, it has no, no desire, and no ability,
22 and it will never do anything properly for animal
23 care. And if you leave it the money, it will
24 never use that money properly. What the City
25 needs, as Julie Bank told you, is you have the

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2 stop the flow of animals coming in. You need a
3 huge amount of money to do that. To offer free
4 spay/neuter or subsidize spay/neuter, in every,
5 every borough. I mean, we are the, the best city
6 in the nation, still the richest city in the
7 nation, although we don't have as much money as we
8 do. But we don't have an animal shelter system,
9 it's laughable. Of our five boroughs, two don't
10 have shelters, one has a part time shelter, that's
11 in Staten Island, and the other two, if you would
12 ever go there, you would be horrified at the
13 health of animals. So, my simple request is
14 please do something, investigate, lay the
15 groundwork to remove DOH from animal care. Thank
16 you.

17 CHAIRPERSON ARROYO: Esther, do you
18 have a copy of - -

19 ESTHER KOSLOW: I have a statement
20 right here.

21 CHAIRPERSON ARROYO: Do you have
22 copies.

23 ESTHER KOSLOW: I absolutely do.

24 CHAIRPERSON ARROYO: Okay, the
25 Sergeant will get it, the Sergeant will get it.

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They yell at us when we don't behave. [laughter]
Although Eddie is not as grouchy.

ESTHER KOSLOW: You're not grouchy?

[laughter]

MALE VOICE: As grouchy.

CHAIRPERSON ARROYO: As grouchy.

Peter?

COUNCIL MEMBER VALLONE: Thank you.

And I agree completely with you, in fact I'm working on that with some of my colleagues, taking the authority away from them, because they've been a complete failure. I mean, as you said, their only authority is to protect people from animals, they can't even do that. I mean, there's a law that says they have to have a dangerous dog board, which is supposed to meet four times a year, filled with experts to discuss how to do that, and they don't even have one. That doesn't cost any money, just have the board. No. So, I've been, it's not easy, but we've been working to figure out a way to get that authority away from them and someplace else. We'll work with you on that.

ESTHER KOSLOW: Thank you.

COUNCIL MEMBER VALLONE: Couple

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2 things. Oh, you know, I had notes and by the time
3 I got to you, I've misplaced 'em someplace. But
4 you mentioned some interesting ideas about
5 improvements and changes, and you mentioned it
6 shouldn't be a warning. You know, I don't
7 disagree, I see, I see times when it should be a
8 warning if someone has, you know, a 50 foot chain
9 in their back, in fenced in backyard, and that's
10 where the dog is, and I see times when there
11 shouldn't be a warning; but again, we have to work
12 on, we have, and I completely understand why you
13 feel it shouldn't be a warning ,but we have to
14 work on what goes through Committee and what goes
15 through Council and what, and what gets passed.
16 Other ideas like that, indoors, somebody mentioned
17 interesting, I don't see that ever getting through
18 a legislature, but you know, I'm not disagreeing
19 with the fact that it shouldn't happen indoors,
20 too.

21 JANE HOFFMAN: Yeah, the point,
22 yeah, the point indoor that I'd like to also add
23 to that is I think the, this was from the New York
24 City Bar, basically that we feel that this could
25 provide another, you know, law enforcement with

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2 another tool to invoke against the promoters of
3 dog fighters, who often chain their dogs up inside
4 to promote aggressiveness. So, you know, there is
5 some legal justification, which we'd be happy to,
6 you know, work with you on about that. It, idea
7 of adding indoor tethering. Also, a lot of times,
8 those dogs are tethered up inside to protect drug
9 caches. So, you know, the indoor tethering might
10 also be a very interesting tool for NYPD to have
11 in their, you know, weaponry against dog fighters
12 and in drug dealers.

13 COUNCIL MEMBER VALLONE:

14 Interesting. And somebody mentioned, might've
15 been you, that a good point about making sure that
16 any new law doesn't allow violation of the leash
17 laws. But I think you mentioned that restraining
18 a dog temporarily outside a grocery store violates
19 the leash laws, can you expound on that.

20 ELINOR MOLBEGOTT: It does, because
21 the leash law says that on public property you
22 have to be on a leash, no more than a six foot
23 leash. No more than six feet. So, if you're on
24 public property, and I've had people say, "Well,
25 the dog was, was, the leash was six feet, but the

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person wasn't there." But the law, the person has to, in public, in New York City, a person has, and the dog outdoors, except in public, you know, areas, where there are dog runs.

COUNCIL MEMBER VALLONE: All right, but the law, the law specifically says that a person has to be at the end of that leash.

ELINOR MOLBEGOTT: Yes, that's very--

COUNCIL MEMBER VALLONE: Really?

ELINOR MOLBEGOTT: --well, it doesn't--I probably have it here. It's 161 of five I think of the Health Code. Yeah.

COUNCIL MEMBER VALLONE: I'll take a look. It's interesting, I didn't realize that doing that was already the violation of--

ELINOR MOLBEGOTT: Yeah, and--

COUNCIL MEMBER VALLONE: --existing law. I'll check into it, though.

ELINOR MOLBEGOTT: Check into that, and as I said, we have found lots of problems with people who leave animals unattended, for very brief times, with people, children, feel, "Oh, cute little dog," but when a dog is tied up, they

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tend to be protective, territorial, nervous.
Peop--kids have gotten bitten, animals have gotten
killed, animals have disappeared. So there's a
lot of problems with that, that you know, people
wouldn't leave their treasured diamond rings
sitting outside in public.

COUNCIL MEMBER VALLONE: I agree.

Again--

ELINOR MOLBEGOTT: So, it's--

COUNCIL MEMBER VALLONE: --what
passes the legislature, what we could do, and
also, you know, there's the argument I'd rather
them take their dog on that, you know, half mile
walk to get a cup of coffee or milk than leave it
home. And maybe leave it outside for 30 seconds.
So there's, there's a lot to do with, there's a
lot that I need to research on that, but I'm going
to look into what exists now.

ELINOR MOLBEGOTT: But it is
against the leash law, anyway.

COUNCIL MEMBER VALLONE:
Interesting, I thank you for that. I've got a lot
more, but it's getting late, and I don't want to
keep my Chair here. I've got a commitment, and I

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2 don't want to lose it, so [laughs]

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CHAIRPERSON ARROYO: And we're,

we're right on time. So, with that, I want to

thank you all for your testimony. It's always so

insightful and so helpful to hear your feedback

and your, your input, it makes the work that we do

here better. So thank you all for, for your work,

and with that hearing is [gavel] adjourned.

PANEL: Thank you very much.

CHAIRPERSON ARROYO: We'll get it

done.

[background noise]

C E R T I F I C A T E

I, JOHN DAVID TONG certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature

A handwritten signature in cursive script that reads "John David Tong". The signature is written in dark ink and is positioned to the right of the printed word "Signature".

Date January 17, 2011