

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON HEALTH

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June 7, 2013  
Start: 10:06 a.m.  
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HELD AT: Council Chambers  
City Hall

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

COUNCIL MEMBERS:

Inez E. Dickens  
Mathieu Eugene  
Julissa Ferreras  
Helen D. Foster  
Rosie Mendez  
Joel Rivera  
Peter F. Vallone, Jr.  
Albert Vann  
Deborah L. Rose  
James G. Van Bramer

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

Dan Kass  
Deputy Commissioner  
NYC Department of Health and Mental Hygiene

Risa Weinstock  
Executive Director  
NYC Animal Care and Control

Martha Golar  
New York City Bar Association - Committee on Animal  
Law

Jane Hoffman  
Mayor's Alliance New York City Animals

Michelle Villa-Gomez  
Legislative Director  
ASPCA

Corey Menkin  
Senior Director of the Puppy Mills Campaign  
ASPCA

Allison Cardona  
Director of the Cruelty Intervention Advocacy Program  
ASPCA

Brian Shapiro  
New York State Director  
Humane Society of the United States

Eleanor Molbegott  
Legal Counsel  
Humane Society of New York

Diane Malone  
Kings County District Attorney's Office

Barbara Burke  
Kings County District Attorney's Office

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

Emily McCoy  
Cruelty Investigations Department  
People for the Ethical Treatment of Animals

Esther Koslow  
Shelter Reform Action Committee

Allie Feldman  
NYC CLASS

Roxanne Delgado  
Concerned Citizen

Chris Green  
Director of Legislative Affairs  
Animal Legal Defense Fund

1  
2 CHAIRPERSON ARROYO: Good morning  
3 everyone. Thank you all for being here on this  
4 beautiful Friday morning and it promises to be a  
5 wonderful Friday throughout all the rain. My name  
6 is Maria del Carmen Arroyo. I chair the Committee  
7 on Health in the Council. Today's hearing is  
8 going to be a busy one. We are going to examine  
9 various strategies in place at Animal Care and  
10 Control or AC&C to increase the number of live  
11 outcomes from its shelters as well as strategies  
12 that have been implemented in other cities towards  
13 that same effort. We will also be hearing  
14 testimony on three pieces of animal welfare  
15 legislation in New York City. The Department of  
16 Mental Health and Mental Hygiene DOHMH provides  
17 animal care services through a contract with the  
18 not for profit organization, Animal Care and  
19 Control or AC&C. In the past several years, AC&C  
20 has made significant strides in reducing the  
21 number of animals euthanized in its shelters.  
22 Since 2007 AC&C has reduced the rate of animal  
23 euthanasia in shelters from 29 to 24 percent.  
24 Though circumstances differ from city to city one  
25 measure of progress often cited by animal

1  
2 advocates the per capita incidence of euthanasia  
3 places New York City as the city with the best  
4 live outcome rate in the nation with less than one  
5 animal euthanized per 1,000 people; however,  
6 thousands continue to be euthanized in the  
7 shelters. Today we hope to hear if there are any  
8 ways in which the Council can assist AC&C to  
9 achieve a better result. To this end, our  
10 questions will focus on expanding spay/neuter  
11 programs, increasing onsite adoptions, expanding  
12 medical and behavioral rehabilitation, feral trap  
13 trap, neuter, release programs, partnerships with  
14 animal rescue groups, foster care and expanded  
15 public education and marketing efforts. On the  
16 legislation front, the first piece of legislation  
17 we are going to hear today is pre-considered  
18 resolution sponsored by Council Members Crowley  
19 and Lappin that call on the state legislature to  
20 pass and the governor to sign Assembly Bill 740  
21 and Senate Bill 3753, which would repeal  
22 provisions of New York State law that currently  
23 prohibit New York City from regulating pet stores.  
24 If enacted, the legislation would allow the  
25 Council to propose provisions to improve

1  
2 conditions in pet stores and to impose other  
3 measures to help reduce the supply of animals that  
4 often might end up in the shelters. The second  
5 piece of legislation, another pre-considered  
6 resolution introduced by myself that calls upon  
7 the state legislature to pass and the governor to  
8 sign Assembly Bill 2046 and Senate Bill 5048,  
9 legislation that would amend current state laws to  
10 allow New York City to increase dog license fees  
11 to support animal population control and other  
12 animal welfare programs. Lastly we will hear  
13 testimony on Introduction number 933-A sponsored  
14 by Council Member Vallone, which would establish  
15 an animal abuse registry, prohibit people  
16 convicted of animal abuse crimes from owning an  
17 animal and establish criminal penalties for  
18 failing to comply with that law. We will hear  
19 from the Department of Health and Animal Care and  
20 Control and members of the public and with that,  
21 anyone who is here to testify who has not filled  
22 out one of these forms with the sergeant, please  
23 do so, otherwise, we will not know that you want  
24 to say something to us, and we want to hear  
25 everyone's comments. We are very well informed by

1 public testimony and usually help us improve  
2 whatever work we are doing here with the Council.  
3 I am going urge DOHMH and AC&C to remain through  
4 the whole hearing as I always do. It is important  
5 that our public not only speak to us but have the  
6 agency present so that we can all learn from their  
7 input. I want to thank the committee staff and we  
8 have some folks assisting with this hearing. We  
9 have Jeffrey Campagna [phonetic], who is riding  
10 shotgun as counsel for the Committee. We have  
11 Elizabeth Hoffman, who is sitting back here,  
12 acting policy analyst. The committee staff, Dan  
13 Hayfitz [phonetic]], counsel to the Committee,  
14 Chrystal Goldpon [phonetic], who is the policy  
15 analyst and Krillian Francisco [phonetic], who is  
16 the fiscal analyst. Thank you so much. They have  
17 been very, very busy preparing for this hearing,  
18 and the reason why I sound so smart. I want to  
19 give my colleague, Council Member Vallone, an  
20 opportunity to say a couple of words on his  
21 legislation.  
22

23 COUNCIL MEMBER VALLONE: Thank you,  
24 Madam Chair and let me thank you first for holding  
25 this very important hearing. My father wrote the

1  
2 first spaying and neutering law a long time ago.  
3 It was very complicated at the time. Anything we  
4 can do to make some improvements and reduce the  
5 amount of animals that are euthanized is a great  
6 thing, so I look forward to hearing about that,  
7 but I want to thank you on the hearing on my law,  
8 which is the creation of an animal abuse registry.  
9 The time has come for this. Our animals are being  
10 abused, and there is nothing to stop an abuser  
11 from getting another animal even if they are  
12 convicted of abuse, and animal abuse is a crime  
13 with one of our highest recidivism rates out of  
14 all crimes. We just had a guy in Astoria not too  
15 long ago throw his dog out a window on Steinway  
16 Street, and I have been working to get him  
17 deported because he was here illegally, but we  
18 manage to get him jail time, but the day he got  
19 out of jail, he could go get another dog. There  
20 is nothing stopping him, and I have spoken to the  
21 people who run our shelters, and I have been to  
22 our shelters, and they do an excellent job trying  
23 to prevent bad owners from getting animals, but  
24 even they have no way of knowing whether someone  
25 has been convicted of animal abuse. They have to



1  
2 take someone on their word, so this bill will go a  
3 long way to protecting our animals. I want to  
4 thank all the advocates who are in the room today.  
5 We have been making some changes in the bill  
6 before today and your staff, Madam Chair, and my  
7 staff, Jonathan - - , who has been working very  
8 hard on this bill to get it into a form where we  
9 can move it forward. I look forward to hearing  
10 from everyone on this bill and voting it and  
11 seeing it the law in this city, and once it is the  
12 law in New York City as everyone knows so many  
13 people will copy us and that will mean so many  
14 animals around the world are not going to be  
15 abused, so thank you, Madam Chair, and I look  
16 forward to the hearing.

17 CHAIRPERSON ARROYO: Thank you. At  
18 the table for testimony we have deputy  
19 commissioner, Dan Kass, from the Department of  
20 Health and Mental Hygiene and executive director--  
21 I understand now permanent, not interim or acting,  
22 but executive director, Risa Weinstock, from  
23 Animal Care and Control. Congratulations. We  
24 look forward to working very closely with you and  
25 the advocates on all issues related to animal

1  
2 care. You may begin when you are ready. Identify  
3 yourself for the record and proceed.

4 DEPUTY COMMISSIONER KASS: Thank  
5 you. Good morning, Chairwoman Arroyo and members  
6 of the Health Committee. My name is Daniel Kass.  
7 I am the deputy commissioner for the division of  
8 environmental health at the New York City  
9 Department of Health and Mental Hygiene. On  
10 behalf of Commissioner Farley, I want to thank you  
11 for the opportunity to testify today and as you  
12 mentioned, testifying with me today is Risa  
13 Weinstock, who has been selected unanimously by  
14 the board of directors to be the executive  
15 director of Animal Care and Control in New York  
16 City. As you know, the Health Department is  
17 responsible for promoting and protecting human  
18 health including prevention, discovery and  
19 intervention in cases of animal borne diseases.  
20 Our animal work includes issuing state mandated  
21 dog licenses, permitting and inspecting animal  
22 handling facilities such as boarding facilities,  
23 pet grooming facilities, licensing and evaluating  
24 the conditions of horses working on the commercial  
25 riding and carriage industries and issuing permits

1  
2 to boarding stables receiving and responding to  
3 reports of animal bites and enforcing dog leash  
4 and rabies vaccination laws and investigating  
5 animal nuisance complaints. We monitor both  
6 wildlife and domestic animals for diseases such as  
7 rabies that can impact human health and we issue  
8 permits for the exhibition of wild and exotic  
9 animals. The Department manages and cares for the  
10 city's populations of homeless animals whether  
11 owner surrendered, abandoned or lost. The  
12 services we are responsible to provide either  
13 directly or under contract to the non-profit  
14 organization Animal Care and Control of New York  
15 City or AC&C include receiving stray, unwanted,  
16 dangerous, sick and wild animals, sheltering of  
17 animals, providing medical services including  
18 examination, treatment, vaccination, spay, neuter  
19 and micro chipping and the placement of animals  
20 via fostering, rescue partner organizations,  
21 returns to owners and direct adoption. Over the  
22 past ten years and thanks to the strong support of  
23 the City Council, the Department and its  
24 contractor, AC&C have greatly improved the  
25 services provided in the city's animal shelters.

1  
2 The improvements are ongoing and there are notable  
3 developments even since this April when Risa and I  
4 last sat before this committee. Under Ms.  
5 Weinstock's leadership as the interim executive  
6 director, AC&C has seen a dramatic growth in  
7 hiring and the retention of its staff, as well as  
8 improvements in animal care, facility maintenance  
9 and customer service provided to New Yorkers  
10 seeking to adopt pets from the shelter. Her  
11 appointment will solidify these gains and continue  
12 the expansion plan agreed to under Local Law 59.  
13 It is clear that the Department and AC&C are on  
14 target to meet all of the milestones towards full  
15 compliance in 2015. With the support of the  
16 Council AC&C's budget will have gone from 7.16  
17 million in fiscal year 2011 to 12.72 million by  
18 fiscal 2015, a 77 percent increase. As a  
19 significant measure of the improvement at AC&C its  
20 percentage of animals released has gone up  
21 substantially since 2008. In the past five years  
22 the placement rate for cats and dogs has risen  
23 from just over half to two-thirds. Much of the  
24 improvement in animal placement is due to the  
25 strong partnership AC&C has developed and

1 maintained with animal rescue groups and the  
2 excellent work these groups do to find homes for  
3 animals. More than 19,000 dogs and cats, about 73  
4 percent of AC&C's placed animals were placed by  
5 rescue partners in 2012. Ms. Weinstock will  
6 provide details about these partnerships and about  
7 the expansion of AC&C's own in house adoption  
8 program. The rate of euthanasia has also declined  
9 significantly as a result of the increased  
10 placement rate and the decline in intake that we  
11 described in April. Between 2007 and 2012 there  
12 has been a 50 percent reduction in the number of  
13 animals euthanized and New York City's municipal  
14 shelter now has one of the lowest euthanasia rates  
15 of any large city, the lowest but one. Under Ms.  
16 Weinstock's strong leadership and with the  
17 increase in staff made possible by the Council's  
18 support services have also increased dramatically  
19 in the shelters and in the field. The Queens  
20 receiving center has increased its hours from two  
21 to five days a week in fiscal year 2013 and the  
22 Bronx receiving center is now open five days per  
23 week up from three in fiscal 2012. Field services  
24 have been expanded from five to seven days per  
25

1 week over the last year, and adoption and  
2 placement capacity has increased as well. To  
3 support these improvements at AC&C the city is  
4 actively pursuing state legislation to allow the  
5 Council to set license fees for dogs just as other  
6 localities around the state are permitted to do.  
7 The fee for unaltered dogs last revised in the  
8 early '70s no longer even pays for the cost of  
9 issuance let alone offset the cost of animal care,  
10 control and sheltering as intended. We want to  
11 thank the Council for the resolution in support of  
12 this important bill. The Department has also been  
13 asked to comment on the bill to establish a  
14 registry of those convicted of animal abuse  
15 crimes. This bill has an important goal, which is  
16 to prevent those convicted of animal abuse from  
17 subsequently acquiring new animals. AC&C already  
18 takes steps to ensure that animals are adopted  
19 appropriately and not placed with convicted animal  
20 abusers, which Ms. Weinstock can explain in  
21 further detail; however, while the Department  
22 appreciates the goals of the bill, we have several  
23 significant concerns that prevent the city from  
24 supporting it. This bill would require the Health  
25

1 Department to establish and maintain an electronic  
2 registry of criminal convictions of offenders of  
3 various animal abuse related crimes. The  
4 Department is not a criminal justice agency and  
5 has no experience accessing and managing the legal  
6 issues concerning arrest and conviction data  
7 available to criminal justice and law enforcement  
8 agencies. The bill further requires annual in  
9 person contact between Health Department staff and  
10 convicted animal abusers. Because the Department  
11 has no authority to require or receive data from  
12 state or federal criminal justice databases to  
13 populate a registry with names, the bill puts the  
14 onus on the convicted person to report his or her  
15 status to the Department. The roles of creating  
16 and maintaining a criminal registry would be more  
17 appropriately placed with law enforcement or  
18 criminal justice agencies which more typically  
19 perform the roles of interviewing and  
20 investigating persons with criminal histories.  
21 These organizations have access to other databases  
22 and can make sure that people are in fact  
23 reporting. Creating this registry which would  
24 have to be continuously accessible to staff of the  
25

1  
2 department and to the shelters all the while  
3 maintaining privacy and confidentiality needs  
4 would be an expensive undertaking for which there  
5 is no current source of funding. The requirement  
6 that our agency create a system to hold in person  
7 meetings with registrants on an annual basis and  
8 verify personal identity information is an  
9 expensive and resource straining undertaking that  
10 would divert staff from other pressing  
11 responsibilities that we are mandated to  
12 undertake. This bill places a burden only on  
13 shelters to prevent convicted animal abusers from  
14 adopting animals. It is unlikely however to  
15 address the issue that it seeks to correct as we  
16 know that more animals are adopted from animal  
17 rescue groups, out of state establishments or  
18 purchased from breeders and pet shops.  
19 Additionally it would prohibit anyone required to  
20 register including people moving to New York from  
21 other parts of the state or elsewhere in the  
22 country or the world from owning a dog or cat  
23 because we do not and cannot know who these people  
24 may be. We have no way of evaluating compliance  
25 or non-compliance. In summary because of the



1  
2 magnitude of the problem of animal cruelty is  
3 measured by the number of convictions as small and  
4 the bill requires individuals to self-identify and  
5 does not cut off the supply of animals beyond the  
6 shelter system, we believe that it would be  
7 ineffective in achieving its goals. We want to  
8 thank Speaker Quinn and the Council for their  
9 strong support of the animal shelter system and  
10 for the opportunity to testify today. After Ms.  
11 Weinstock testifies, we will be happy to take  
12 questions.

13 EXECUTIVE DIRECTOR WEINSTOCK: Good  
14 morning, Chairwoman Arroyo and members of the  
15 Health Committee. My name is Risa Weinstock, and  
16 I am the executive director and general counsel of  
17 Animal Care and Control of New York City. Thank  
18 you for the opportunity to testify this morning  
19 concerning current trends for increasing live  
20 outcomes from AC&C. Many improvements have been  
21 undertaken over the past two years and will  
22 continue at least through 2015 in large measure as  
23 a result of the additional support in funding from  
24 City Council. At the City Council oversight  
25 hearing on April 12<sup>th</sup>, I testified that the passage

1  
2 of Local Law 59 has enabled AC&C to make necessary  
3 improvements to its operations, restore services,  
4 increase staff, add positions, purchase equipment  
5 and supplies, expand services and devote more  
6 resources to the animals in our care. I am proud  
7 of the results that we are seeing. All of these  
8 enhancements will help increase live outcomes of  
9 New York City's shelter animals. Before I address  
10 what AC&C is doing to increase live outcomes, a  
11 brief overview of Animal Care and Control New York  
12 City bears repeating because of the unique  
13 services it provides and the legal and contractual  
14 requirements it is obligated to uphold. AC&C is  
15 one of the largest animal organizations in the  
16 northeast taking in and caring for more than  
17 30,000 animals each year. Since 1995, AC&C has  
18 been dedicated to rescuing, caring for and finding  
19 loving homes for abandoned and homeless animals in  
20 New York City. We operate five facilities, one in  
21 each borough that are open admission, meaning that  
22 each center accepts any animal that comes through  
23 its doors regardless of the behavior they are  
24 exhibiting, the condition they are in, or their  
25 medical status. Of these five locations three are

1 full service animal care centers located in  
2 Manhattan, Brooklyn and Staten Island and two are  
3 receiving centers located in the Bronx and Queens.  
4 We receive animals of all kinds at each of these  
5 locations--dogs, cats, rabbits, snakes, birds,  
6 reptiles and on occasion various farm animals. On  
7 average, AC&C takes in over 600 animals per week.  
8 In addition to intakes from the public, AC&C  
9 provides many additional services to New York City  
10 pursuant to the contract with the Department of  
11 Health and Mental Hygiene and the city of New  
12 York, animal sheltering, field services, medical  
13 services, which includes exams, treatment,  
14 vaccination, microchip insertion and mandatory  
15 spay, neuter, placement of dogs, cats and rabbits.  
16 AC&C does not accomplish this alone. We receive  
17 tremendous support from our dedicated volunteers,  
18 donors and partners. As a 501(c)3 organization we  
19 are also able to establish partnerships and  
20 solicit private donations and grants to provide  
21 animal enrichment care and placement beyond the  
22 services we provide under the contract with the  
23 city. Following the passage of Local Law 59, AC&C  
24 developed a four year plan for the gradual  
25

1 expansion of services and improvements coordinated  
2 with the incremental increases to our funding  
3 through June 2015. With the continued support of  
4 City Council and DOH, AC&C has made many  
5 improvements, which we expect to have a positive  
6 impact on increasing live outcomes for the animals  
7 in our shelter as well as overall operations and  
8 the services we provide to the city. To  
9 accomplish the goals of Local Law 59, we needed to  
10 add qualified staff. AC&C has grown dramatically  
11 from 139 full time employees in January 2011 to  
12 233 as of today's current headcount. We have been  
13 careful to hire staff who understand our  
14 organization, expectations and long term goals.  
15 Having adequate staff helps AC&C provide a higher  
16 level of care and services to the animals in our  
17 shelters and the community. Staff has been added  
18 throughout the organization across all departments  
19 and locations. Since I last testified in April,  
20 we have added 33 new employees. Our staffing plan  
21 contemplated continued growth to the organization  
22 through fiscal year 2015 with a target of 249  
23 employees by June 2014 and 259 by 2015. With this  
24 additional staff, we will continue to increase the  
25

1 human to animal ratio, which we expect will  
2 improve live outcomes. AC&C is very committed to  
3 finding homes for and decreasing euthanasia of  
4 animals in our care. We strive to find good homes  
5 for animals through shelter adoptions and offsite  
6 and mobile events as well as through placement  
7 with approved rescue groups known as new hope  
8 partners. Each animal that arrives at AC&C will  
9 receive an individual assessment to determine  
10 their placement options. Placement decisions  
11 take into account the animal's health and  
12 behavior, observations from staff and volunteers  
13 and when available information from the previous  
14 caregiver. Please know that AC&C does not  
15 euthanize animals after a predetermined number of  
16 days in the shelter, rather we will hold animals  
17 as long as possible based on placement options,  
18 the shelter population and animal intake as well  
19 as the animal's health, behavior and welfare. The  
20 following outcomes are possible for animals cared  
21 for by AC&C, return to owner, available for  
22 adoption, foster care, placement through a new  
23 hope partner or euthanasia. When an owner is  
24 identified for an animal within the AC&C system  
25

1  
2 all reasonable attempts will be made to reunite  
3 the pet with his or her owner with the following  
4 limitations--potential owners must show proof of  
5 ownership to satisfy AC&C's criteria, all criteria  
6 for return to owner must be met including spay,  
7 neuter surgery, licensing for dogs and rabies  
8 vaccination in accordance with local, state and  
9 federal law. Circumstances surrounding the  
10 animal's arrival at AC&C and his or her physical  
11 health must not present a significant concern  
12 related to the return to owner process.

13 Improvements to the return to owner process have  
14 been recently implemented. For example, we have  
15 added customer care and animal care officers who  
16 focus on contacting known owners, tracing  
17 microchips and following up on license information  
18 in an effort to make contact with an owner as  
19 early as possible. Additional medical staff  
20 improves our ability to timely and carefully scan  
21 each animal for a microchip. We strongly support  
22 licensing of dogs and are working with DOH on  
23 creative incentives to encourage more pet owners  
24 to license their dogs. In addition to micro  
25 chipping all animals that leave AC&C we are

1  
2 partnering with a company that provides  
3 identification tags for all dogs that are adopted  
4 from AC&C, including the owner's contact  
5 information as well as AC&C as a backup since all  
6 of our animals and their owners are identifiable  
7 through our internal computer database. With the  
8 increase in funding, AC&C has been steadily  
9 restructuring and expanding our adoption program.  
10 One of the main goals of overhauling the program  
11 both the physical layout and the process is to  
12 increase live outcomes by ensuring a quality  
13 adoption and reducing the number of returns. The  
14 physical location of adoptions from beginning to  
15 end will take place in one area designated  
16 exclusively for adoptions. The process will now  
17 be handled by adoption dedicated counselors who  
18 will manage each adoption from initial greeting to  
19 the moment the adopter leaves for home with their  
20 new pet. The Department is fully staffed with an  
21 adoption supervisor and nine adoption counselors  
22 across the three full service shelters, all of  
23 whom are completing their training and preparing  
24 to assume full responsibility for adoptions.  
25 Adoption hours for the public are 12 pm until 7

1  
2 pm, and there will be adoption counselors covering  
3 three shifts between the hours of 10:30 am and 8  
4 pm seven days a week. Each shift will have  
5 specific responsibilities that cover the entire  
6 process from checking the adoption e-mail account,  
7 doing post adoption follow up, answering and  
8 returning phone calls, running adoption pending  
9 reports, opening adoptions for the day, adoption  
10 counseling, approving applications, processing  
11 adoptions and closing adoptions. To promote  
12 responsible pet ownership all adopters will  
13 receive a packet of information and an adoption  
14 counselor's business card, a year of free pet  
15 insurance, a microchip, dog license and a  
16 registered identification tag. These last three  
17 items will expedite the return to owner process  
18 should someone lose their adopted pet and increase  
19 the possibility of reuniting a family and their  
20 pet. With the increased funding AC&C received, we  
21 also expanded our animal behavior and enrichment  
22 programs. With these additional staff, we are  
23 able to provide timely behavior assessments and  
24 more efficient placement decision making. AC&C is  
25 hosting an adoption event around this new program



1  
2 on June 29<sup>th</sup> at our Manhattan Care Center, and we  
3 will be promoting it through social media and  
4 other forms of advertising. We will also  
5 circulate the information to the City Council  
6 Members for inclusion in your newsletters or other  
7 communications to your constituents. AC&C seeks  
8 foster care for animals that are underage or that  
9 require treatment for physical and/or behavioral  
10 health conditions beyond the available resources  
11 at AC&C. Animals are eligible for this program  
12 only if AC&C or a new hope partner can reasonably  
13 provide the needed treatment for the animal and  
14 placement is made in accordance with the policies  
15 of the foster program. it is expected that these  
16 animals will later be adopted through the shelter,  
17 at a media or offsite or mobile event, or placed  
18 with a new hope partner; however, selection for  
19 foster care is not a guarantee of placement and is  
20 subject to further evaluation of health and  
21 behavior. Other animals that benefit from foster  
22 care include those with treatable medical  
23 conditions and animals on legal hold involved in  
24 cruelty investigations or other legal matters.  
25 Foster volunteers provide homes, care and a

1  
2 nurturing environment to animals that can  
3 potentially be adopted to the public. AC&C is  
4 very committed to recruiting additional fosters.  
5 In the past year, our foster coordinator has grown  
6 the program substantially by holding semi-monthly  
7 orientations and increasing use of social media  
8 and targeted advertising. To date, we have more  
9 than 50 cat foster homes and over 75 dog foster  
10 homes. AC&C's new hope program is a proactive  
11 community initiative aimed at increasing live  
12 outcomes by finding homes for animals in our care.  
13 AC&C's new hope program is a proactive community  
14 initiative aimed at increasing live outcomes by  
15 finding homes for animals in our care. Through  
16 our strong partnerships with the mayor's alliance  
17 and other new hope partners, AC&C has been able to  
18 achieve more placements and provide better care  
19 for our animals. AC&C has more than 225  
20 dedicated, compassionate new hope partners that  
21 accounted for more than 15,000 animal placements  
22 from our shelters in the past year. We are  
23 committed to building our new hope network,  
24 participating in events that promote our public  
25 adoptions and also encouraging new hope to pull

1  
2 more animals from the shelters. Just last week  
3 AC&C participated in a nationwide adoption event  
4 through our partnership with the mayor's alliance.  
5 In two days, 104 animals were adopted from AC&C by  
6 the public. That is nearly twice as many  
7 adoptions than an ordinary weekend. DOH has also  
8 recognized the importance of the new hope program  
9 by providing the necessary additional funding to  
10 sufficiently staff the department. The additional  
11 staff enable AC&C to better collaborate with the  
12 new hope partners and rescue community and help  
13 place even more animals than we could by public  
14 adoptions alone. I want to underscore the fact  
15 that new hope partners take many of the animals  
16 that have either behavior or medical challenges,  
17 animals that AC&C might not otherwise be able to  
18 place through adoptions to the public. We are  
19 grateful to the rescue community and the mayor's  
20 alliance for their tireless efforts and financial  
21 expenditures to care for and find homes for these  
22 animals. This partnership has tremendous impact  
23 on increasing live outcomes at AC&C. Finally,  
24 euthanasia. Euthanasia is a very difficult  
25 decision that everyone, everyone who works at AC&C

1  
2 takes seriously. We sincerely wish that each  
3 animal that comes to AC&C would be adopted to a  
4 caring, responsible home; therefore, before any  
5 animal is deemed at risk of euthanasia we evaluate  
6 each animal on an individual basis wherever  
7 possible. Proactive placement with new hope  
8 partners will be sought for those animals with  
9 medical or behavior conditions beyond AC&C's  
10 ability to treat or place. In an effort to  
11 increase the live outcome for many at risk  
12 animals, AC&C has made its at risk of euthanasia  
13 list available to the public through a specific  
14 link on our website. Since the list first became  
15 available to the public, we have placed an  
16 additional 120 animals. In order to continue to  
17 increase live outcomes, we will be extending the  
18 number of hours that the at risk list is available  
19 to the public beginning this summer. We are  
20 committed to evaluating this extension and will  
21 consider additional expansion based on AC&C's  
22 operation capabilities and the availability of  
23 funding. The programs and improvements I have  
24 described will help AC&C to increase live outcomes  
25 from our facilities. The additional funding made

1  
2 possible through Local Law 59 has made a  
3 significant impact on our ability to address that  
4 challenge in light of the number of animals we  
5 take in every year. AC&C is thankful for the  
6 support of the Council and is committed to  
7 continue improvement to reach this goal as well as  
8 continued improvement to the entire organization.  
9 Again, thank you for the opportunity to testify  
10 today, and I am happy to take your questions.

11 CHAIRPERSON ARROYO: First, we are  
12 missing pages one, two and three from your  
13 testimony. I was a little confused. I wasn't  
14 really looking at it. We have the testimony from  
15 page four. Sergeant, if we can get a full copy of  
16 Ms. Weinstock's testimony, it would be helpful.  
17 So from memory given everything that you said  
18 pages one through three, new hope features very  
19 prominently in your testimony. Sergeant, we need  
20 copies of pages one, two and three. I understand,  
21 but we need copies. How are new hope partners  
22 identified as a partner that AC&C can do business  
23 with and what is the compensation they receive, if  
24 any?

25 EXECUTIVE DIRECTOR WEINSTOCK: So

1  
2 to become a new hope partner we have an  
3 application process. You complete an application.  
4 We have an interview. We check references. It is  
5 almost like applying for a job. In terms of  
6 compensation, we don't give money directly to new  
7 hope, but the compensation is really in kind in  
8 terms of what we provide for the animals that are  
9 adopted, so vaccinations, rabies, microchips, and  
10 we offer to spay and neuter the animals for our  
11 new hope partners, some of whom they elect to have  
12 AC&C alter them and some take advantage of other  
13 community spay and neuter services.

14 CHAIRPERSON ARROYO: We have been  
15 joined by Council Members Van Bramer and Eugene,  
16 thank you, gentlemen. We had an opportunity to  
17 visit one of the receiving centers and the shelter  
18 in Manhattan. The staff are phenomenal. I was  
19 moved to have a discussion about well how space is  
20 a problem particularly at the shelter in  
21 Manhattan. The animals being provided  
22 opportunities for activities is fairly limited,  
23 and I am not sure that the design of the space is  
24 as efficient as it could be so my question was  
25 well, is there some project that can be done to

1  
2 improve the space and provide more amenities for  
3 the animals that are in the shelter, and that is  
4 food for thought, so that we can moving forward  
5 have conversations about how we can help with  
6 improving the spaces that currently serve  
7 primarily as shelters. The receiving center in  
8 the Bronx didn't have an animal in a cage, but as  
9 we were walking out, someone was coming in with a  
10 cat, so it flows and they are very confident that  
11 they have enough space to move the animals through  
12 into the shelter, but the shelter in particular I  
13 am a little concerned about the space and whether  
14 or not there is something that could be done to  
15 improve it, so I am hoping that we can pursue that  
16 conversation over the next few months. I was able  
17 to use your website information in my newsletter.  
18 It hit the mailboxes over the last week, and  
19 dedicate a significant amount of space in the  
20 newsletter to put information out about all of the  
21 components that are listed on the website. It  
22 took a little doing to translated it into Spanish,  
23 but I think it will offer my constituents at least  
24 and I have encouraged my colleagues to--I have  
25 made an electronic file available to come of my

1  
2 colleagues, so they can cut and paste it onto  
3 their newsletters as well, and I am hopeful that  
4 with that information out in the community that  
5 more individuals who will pursue things like micro  
6 chipping their pet and the licensing and all of  
7 those things that can help us reunite pets and  
8 their owners. So I am happy about that. It came  
9 up very, very nice. Council Member Vallone, you  
10 have a couple of questions?

11 COUNCIL MEMBER VALLONE: Thank you.  
12 I was also at the shelter at 110<sup>th</sup> Street not too  
13 long ago with my mom to adopt a cat. We got  
14 little Cleo who was ten months old at the time. I  
15 want to echo what the Chair said. Your workers  
16 are awesome there, and they care. They could use  
17 better facilities but nothing I am about to say  
18 applies to your works or anyone who loves animals  
19 who works for either of you two, but I am going to  
20 have to say that I am outraged by the tone of your  
21 testimony when it comes to the animal abuse  
22 registry. We expected you to come in here and say  
23 you didn't want to responsibility; it should be  
24 with law enforcement. We understand that, and I  
25 want to talk to you about that, but for you to



1  
2 come in here and say the burden is placed only on  
3 shelters, this isn't a burden. If you love  
4 animals, having a list of animal abusers is not a  
5 burden. It is a gift. It is a gift and to say  
6 that the burden is the only placed on animal  
7 shelters and we know that more animals are adopted  
8 from animal rescue groups and breeders and out of  
9 state establishments, well, that may be true, but  
10 the people who love animals at those groups, they  
11 are going to get this list. The animal rescue  
12 groups, the breeders, they will get this list, and  
13 they will use it. They won't consider it a burden  
14 to have a list of people who have abused animals,  
15 and we don't regulate them because we can't. That  
16 is the subject of some of our other bills and  
17 resolutions that are on today. Hopefully, we will  
18 be able to down the road, but we can regulate the  
19 shelters. We are doing the best we can with this  
20 bill, and to claim that it is ineffective, another  
21 use of your word, it is just really an outrage.  
22 You have animal rights groups here throughout the  
23 country supporting this, but you think it is  
24 ineffective, and you know why you think it is  
25 ineffective because your entire tenure as

1  
2 Department of Health no one there has cared about  
3 animals, no one. You know there is something  
4 called a dangerous dog board, which was supposed  
5 to exist for the last 11 years. It was supposed  
6 to advise the health commissioner on animal  
7 policy. It never existed. It was in violation of  
8 the law until just recently, only because I  
9 constantly nagged and threatened legal action to  
10 get a dangerous dog board to exist because nobody  
11 cared that they didn't have a dangerous dog board.  
12 You mentioned all these improvements to the  
13 receiving center. People in this room know how  
14 that happened. It only happened because the mayor  
15 needed to get the City Council to pass a bill to  
16 save his butt. He was about to lose a lawsuit  
17 actually. The lawsuit would have mandated that we  
18 have a shelter in every borough---my father's law,  
19 a shelter in every borough. Ten years after that  
20 no shelter in every borough and the mayor came to  
21 the City Council and said I will give you money.  
22 I will increase the receiving shelters if you  
23 change this law, and they did. The City Council  
24 did two weeks before the mayor was about to lose  
25 in the court of appeals. That is how the

1  
2 receiving shelters got better, not because anyone  
3 loves animals over at the Department of Health,  
4 because they were forced to do it. That's why.  
5 Let's start with your first legitimate point here  
6 that you don't believe you are a law enforcement  
7 agency and shouldn't have to do this--

8 DEPUTY DIRECTOR KASS:

9 [interposing] Can I just interrupt you for a  
10 second? I want to start with something else which  
11 is to disabuse your false notion that we don't  
12 care about animals. We have worked tirelessly  
13 over the last several years trying to improve the  
14 shelters gaining money for necessary services, to  
15 work to expand the staff signification, to  
16 establish a dangerous dog board, which you know,  
17 excuse me, but you still owe us an appointment for  
18 that--

19 COUNCIL MEMBER VALLONE: I do not.

20 I have given you many people to appoint to that.

21 DEPUTY DIRECTOR KASS: I am sorry.

22 I am going to correct you. There is one person  
23 that I reminded you at the last hearing has not  
24 been appointed by the Council, and so we would ask  
25 you again to please appoint that person.

1  
2 Nonetheless we have met as a dangerous dog board.  
3 I am sorry that you object to the tone. The tone  
4 of this testimony is to point out some fundamental  
5 limitations of what the remedy for the problem the  
6 bill proposes to adopt. The remedy is imperfect.  
7 It doesn't mean that the goal is imperfect. The  
8 goal is a lofty one, it is a laudable one, and we  
9 endorse it, but the means by which the Council  
10 proposes to achieve it is extremely limited. That  
11 is the point of the testimony, so I am happy to  
12 answer questions.

13 COUNCIL MEMBER VALLONE: As I said,  
14 it is limited because we are limited by state law,  
15 which we are trying to change. We are constantly  
16 limited by state law.

17 DEPUTY DIRECTOR KASS: Can I  
18 correct one more thing? You mentioned that  
19 everyone could look at a list. As the bill is  
20 constructed, there is no list, there is a  
21 registry. A registry has no authority to publish  
22 a list of people and then distribute it. It is  
23 rather a check of an individual's name against an  
24 electronic registry, so we can't hand a list of  
25 whatever it is, 25, 50, 15 individuals, names and

1  
2 broadcast it to organizations and allow them to  
3 check it on their own. They have to check  
4 individuals in real time against an electronic  
5 registry. The bill right now requires only Animal  
6 Care and Control to do so. Animal Care and  
7 Control is responsible for the placement of  
8 animals, but by and large not even close to a  
9 significant proportion of the animals that are  
10 acquired every year in New York City.

11 COUNCIL MEMBER VALLONE: The way  
12 this bill is envisioned this registry will be  
13 provided to humane groups and shelters and animal  
14 rescue groups and breeders. It says right here  
15 "authorized entities who shall receive this shall  
16 mean duly incorporated humane societies, societies  
17 for the prevention of cruelty to animals, dog or  
18 cat protective associations, animal control  
19 offices, pet shops and animal shelters operating  
20 out of New York." If you would like to figure out  
21 a way to work with us to make that better I am  
22 more than happy, but they are all able to access  
23 that list, and by the way you are missing the main  
24 point here. Even if I didn't get the list to  
25 people, it is a year in jail for anyone who has

1  
2 been convicted of animal abuse who gets another  
3 animal. That is a deterrent right there. That is  
4 effective right there. Even if the animal groups  
5 did nothing to ensure that they didn't give it  
6 over, just the fact that if they took another  
7 animal they could do a year in jail, that alone is  
8 an effective deterrent to animal abusers. Would  
9 you not agree to that?

10 DEPUTY DIRECTOR KASS: Well, I  
11 think it is. I think the limitation we see  
12 however is that it requires an individual who has  
13 a conviction history to voluntarily register with  
14 the Department. We don't have access to  
15 information to chase someone down to pre-identify  
16 them to determine whether they have registered. I  
17 am not suggesting that it is not an important  
18 effort to make, but I am suggesting that asking  
19 someone with a conviction of animal cruelty to  
20 voluntarily approach the Department, show up every  
21 year for an interview, name themselves is not a  
22 particularly effective way of establishing a  
23 criminal registry.

24 COUNCIL MEMBER VALLONE: You should  
25 tell the NYPD that because we have a sex offender

1 registry, we have a gun offender registry, and  
2 they all work under the same principles.  
3

4 DEPUTY DIRECTOR KASS: And they  
5 work but the source of information for most  
6 registries against which we check people's  
7 criminal background are criminal convictions  
8 themselves, so for example, in childcare  
9 facilities we prohibit someone with a history of  
10 abuse against a child from being employed or at  
11 last having to be evaluated before they are  
12 considered for employment. They don't ask for  
13 someone to volunteer, and we don't maintain a  
14 voluntary registry of people. Instead, there is a  
15 criminal registry that the state maintains and  
16 that the federal government maintains that the  
17 operator of a childcare facility must check prior  
18 to the officer of employment and maintain records  
19 against it. They are checking against an  
20 administrative database that is associated with a  
21 court proceeding. This doesn't do that, and I  
22 realize that only the state would probably be able  
23 to authorize such a thing, but I think what we are  
24 here to say is I think it is a very significant  
25 limitation to essentially ask someone to

1  
2 voluntarily come forward and then to place an  
3 expectation on the Health Department with no  
4 access to criminal registry data on these matters  
5 to pursue them.

6 COUNCIL MEMBER VALLONE: As I said  
7 in the gun offender registry which I wrote people  
8 who are convicted of gun crimes have to come in  
9 every six months. They have to voluntarily come  
10 in, and it works, and if they don't they go to  
11 jail for a year, and 12 of them have already gone  
12 to a jail for a year. If you want to talk about  
13 how to make this better, I would love to talk to  
14 you about that. You have expertise I don't have,  
15 but please don't tell me it is ineffective and  
16 that it is a burden because it is not. We can  
17 work together to make this better, but the  
18 attitude--and by the way, I didn't expect to get a  
19 ton of support from this administration on this  
20 based on what I said before, but what I would like  
21 to do is work with our chair to put it in place so  
22 that when an administration gets in here that  
23 cares about animals they will have this tool to  
24 use it, so if you want to work with us to make it  
25 better, I am more than happy to do that, but to



1  
2 say that because it is limited we shouldn't do it  
3 and there is a cost involved, there is a cost  
4 involved in the sex offender registry too, and by  
5 the way, one of our animal rights groups, I think  
6 it was the ADLF has volunteered 10,000 dollars  
7 already to help with the cost of starting this up.  
8 That is how much they care. That is how much  
9 actual animal lovers think this is going to--how  
10 helpful this is going to be. So let's talk about  
11 your concern about your agency not doing this.  
12 Where do you believe that this burden as you call  
13 it should fall when it comes to maintaining this  
14 list?

15 DEPUTY DIRECTOR KASS: I think the  
16 optimal way to maintain a registry of people that  
17 would be inclusive not depend on voluntary actions  
18 by a criminal offender would be enable such a  
19 state registry to be checked by an entity that is  
20 selling, adopting, placing an animal, so I think  
21 there ought to be the establishment of a registry  
22 or access to a subset of criminal violations that  
23 are maintained in state or federal databases that  
24 can be accessed and looked up the same way it is  
25 done for other things to the extent there has to

1  
2 be the result of failure to comply with something  
3 like this would require criminal investigations,  
4 the filing of criminal charges. I don't know what  
5 the right agency is, but it should be a criminal  
6 justice agency. Now whether that is sort of  
7 central in the mayor's office or whether that it  
8 is the police department, I am not prepared to  
9 comment.

10 COUNCIL MEMBER VALLONE: I know our  
11 staffs have been working together and that is  
12 something we have been trying to work on and we  
13 will continue to work on because we want to put it  
14 in the best place possible to protect our animals,  
15 but again once this law exists regardless of who  
16 is responsible for the list and who is checking  
17 the list if someone who has abused an animal gets  
18 another animal they are going to get up to a year  
19 in jail, and that on its own without the  
20 requirements you are discussing is a huge  
21 deterrent. I'm probably over my time, but let me  
22 just say that the perfect should never be the  
23 enemy of the good, and if you want to work with us  
24 to get this done, we would be more than happy to  
25 work with you, but it is not a burden. It is a

1  
2 gift to our animals. It is a gift to the people  
3 who love animals, and it is frankly, it has taken  
4 awhile to get here, to get the administration  
5 involved in this. It is par for course here when  
6 it comes to try to protect our animals to get the  
7 administration to help. The only time they helped  
8 is when they were forced to because they were  
9 about to lose a case. That is when all of those  
10 improvements were made that you mentioned. Again,  
11 I want to confirm what I said originally. You  
12 have a lot of people that work with you especially  
13 in Animal Care and Control that love animals, and  
14 I am not talking about them. I am talking about  
15 the leadership at the top--the dangerous dog  
16 board, ten years of me ranting and raving to get  
17 it done, and it finally got done, and it is the  
18 law in the city that you have to have one. It was  
19 never there. It shows a blatant disregard for the  
20 welfare of animals, and you have one now. I will  
21 look into what you said about us owing you one. I  
22 thought we gave you a bunch of people to put on  
23 that board. Congratulations for finally getting  
24 it done. That board is supposed to give you  
25 advice and meet every four months and put experts

1  
2 and animal lovers there and how to best care for  
3 animals and how to best protect animals and it  
4 didn't even exist for ten years, and I think that  
5 says volumes about the priorities of the  
6 Department of Health.

7 DEPUTY DIRECTOR KASS: I am sorry.  
8 I just disagree. You are rehashing stuff that is  
9 in the past. We have corrected the problem of not  
10 having the dangerous dog board. We have  
11 substantially funded animal care and control at a  
12 level higher than anything in its history. We  
13 spend more on a per animal basis in New York City  
14 than any other city and for our animals in our  
15 shelter, and while I appreciate your historical  
16 perspective, I don't think it accurately portrays  
17 what is going on.

18 CHAIRPERSON ARROYO: Let's leave  
19 the past there, and follow up with we are under  
20 the impression that names were provided as  
21 candidates for that board. If that is not the  
22 case, then we will double back and make sure that  
23 it does happen, okay? Council Member?

24 COUNCIL MEMBER VALLONE: Thank you  
25 again, Madam Chair, and let me just say that we

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learn a lot from history, and you can't change history. You can't revise history.

CHAIRPERSON ARROYO: Our memories may differ about it and we are not going to argue.

COUNCIL MEMBER VALLONE: The memories are actually the same about it. Thank you, Madam Chair.

CHAIRPERSON ARROYO: On the animal registry legislation we anticipated that maybe the Department of Health was not the most appropriate agency where the responsibility for maintaining it and/or starting it up would rest, and I think moving forward we just need to have more conversation about where that would happen and what it is that we need to do to make sure this state law codifies what we are trying to accomplish here. I think we can all agree that any tool available to our system, Animal Care and Control system, whether it is in a shelter or the providers in the community that they can have access to make sure that we minimize the opportunity for an individual who could potentially harm an animal not to have one. I think that it is worth energy invested to make

1  
2 sure that we do as much as we can to accomplish  
3 that goal, and we believe the registry would help  
4 us do that. How we can finalize this process I  
5 think is something that we need to spend a little  
6 bit more energy on. I don't particularly agree  
7 that you don't care for animals. I think how we  
8 have done some of what we have done could have  
9 been done better, and I guess if I could do  
10 yesterday over I would have worn different shoes  
11 so I wouldn't have had the blister that I got. So  
12 I don't believe the bill as is written puts the  
13 onus on DOH to enforce the law, and that is just  
14 one of the points that I think we need to make and  
15 moving forward that the language in the bill be  
16 clarified if that is necessary, but I do not  
17 believe that it puts the onus on DOH to enforce  
18 the issue of an individual who is found to have a  
19 pet, who was convicted of that animal abuse would  
20 be charged, and we don't expect DOH to do that.  
21 That is not your job. That is not what you have  
22 been established to accomplish in our city. So on  
23 the animal registry bill where my expectation is  
24 that we will continue to have conversations and  
25 see how we can bring it to a place where we can

1  
2 agree on some of the points of it, and eliminate  
3 the ones that we cannot come to an agreement on.  
4 We have been joined by Council Member Mendez and  
5 Council Member Rose. Thank you for joining us. I  
6 am going to move away from the animal registry and  
7 talk a little bit about the licensing fee issue is  
8 something that obviously is outside of our control  
9 and the resolution seeks to motivate the senate  
10 and the assembly and the governor to move that  
11 piece of legislation forward. How much do you  
12 anticipate the increase would be and how do we use  
13 the extra funds along those lines.

14 DEPUTY DIRECTOR KASS: Currently  
15 the base fee for an unaltered dog is \$8.50, which  
16 I don't think has changed since 1974, so as we  
17 contemplate how to set a proper fee there are a  
18 few things that I think would work with Council on  
19 once Council has the authority to set such a fee  
20 to evaluate it and I don't have an exact number of  
21 what it should be, but I think that is something  
22 that will certainly work together. It should  
23 factor in the cost of license issuance. We are  
24 working on some different ways and models of  
25 issuing licenses so we are trying to work to both

1  
2 bring the cost down and to enable the department  
3 to directly issue rather than have people mail in  
4 or go online and wait, so that is something that  
5 we have ideas in the works, and we are sort of  
6 thinking through some of the implementation issues  
7 so that were we to have more money to work with we  
8 would be able to I think implement some  
9 innovations. For example, we have been at pet  
10 events over the last several weeks, and will  
11 continue to do so during the summer issuing  
12 licenses directly to people who sign up. One  
13 factor is the cost of issuance. Another factor is  
14 the cost of providing animal care and control. As  
15 you know, the original dog licensing bill back  
16 from the 1800s was designed specifically to raise  
17 sufficient revenue to fully fund at the time the  
18 equivalent of Animal Care and Control activities,  
19 the shelter activities, investigations, dog bite  
20 investigations. We don't anticipate that we will  
21 ever raise enough money from dog licensing to  
22 fully fund the work that is already being funded  
23 by the city to do so. So the goal is to basically  
24 bring money in to support the work that the city  
25 has already committed to doing, and is in fact



1  
2 doing both through contracting and through direct  
3 service from the Health Department. I think that  
4 ultimately what we need to do is find the sweet  
5 spot between an amount of money that is reasonable  
6 for people to pay that is affordable that funds  
7 services to the extent that we can fund them and  
8 that raises sufficient revenue, so I don't know  
9 what that would be. We have looked across the  
10 country. We have looked across the state.

11 License fees across the state--I don't know if I  
12 have it with me--range up to I think 25 dollars.  
13 Elsewhere in the country they rise much higher  
14 than that. We have a fixed differential right now  
15 based on City Council law that would not have to  
16 change or could change depending on how the  
17 Council wanted to approach that, so I think in  
18 short, we will work with the Council to try to  
19 find the right fee.

20 CHAIRPERSON ARROYO: The fee that  
21 is currently charged doesn't even pay for  
22 producing a license?

23 DEPUTY DIRECTOR KASS: It barely  
24 covers the cost of the work of the Department  
25 involved. So those costs include the license tag

1  
2 itself, the mailing, the maintenance of a data  
3 system, the amortization of a data system that we  
4 funded to support it, the staff associated with  
5 dog licensure activities, people who do dog bite  
6 investigations. When we aggregate all of those  
7 costs, it doesn't cover that.

8 CHAIRPERSON ARROYO: So we increase  
9 the fee. Let's live in the world of  
10 possibilities, right. The state adopts, the  
11 governor signs and then we establish a license fee  
12 that can meet more of the costs that we have to  
13 bear. How do we ensure that that goes directly to  
14 support the work that is required and not to DOHMH  
15 for I don't know--whatever else you do?

16 DEPUTY DIRECTOR KASS: Right now by  
17 the end of next year, the contract to Animal Care  
18 and Control will be nearly 13 million dollars a  
19 year. The cost within the Department to do the  
20 work that I have previously described on issuing  
21 licenses, investigations, evaluating dog bites,  
22 all that sort of stuff exceeds a million dollars.  
23 When we factor in the in kind expenses that the  
24 city bears for deferred rent, maintenance on  
25 shelters, the capital expenses for acquiring a

1  
2 fleet, and then for Animal Care and Control, we  
3 are talking about millions of dollars more a  
4 year. We don't expect that the revenue that will  
5 be raised by additional licensure will come even  
6 close to compensating those expenses. The money  
7 will go into the general treasury with a couple of  
8 exceptions under the state bill. There will be  
9 some proportion of penalties dedicated to the  
10 population control fund. There will continue to  
11 be a small per license fee directed to Cornell  
12 University's veterinary school for research. We  
13 hope to increase the amount of money that a third  
14 party will be able to retain in order to issue  
15 licenses, so some of I believe that the state bill  
16 authorizes ten percent of the base fee, so if the  
17 base fee was 20 dollars, they would be able to  
18 keep at least two dollars as opposed to the one  
19 dollar now. Our goal is to incentivize as much as  
20 possible the number of places and entities that  
21 are willing to issue licenses directly. So in  
22 short, the funding that we anticipate being raised  
23 by both increasing the number of dogs that are  
24 licensed and by raising the fee won't come even  
25 close to meeting the costs of the city.

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CHAIRPERSON ARROYO: My understanding is that about only 20 percent of owners license.

DEPUTY DIRECTOR KASS: That is right.

CHAIRPERSON ARROYO: What are we doing about increasing that number now?

DEPUTY DIRECTOR KASS: There are a few things. We have been doing ad campaigns. In fact we have two going up and they will be running over the course of the summer reminding people of their obligations. We have been exploring why the licensure rates are low and there are a number of reasons. Cost is not one of them. The principal reasons are the lack of awareness that a license is required, the confusion between a rabies tag and a dog license. People often think that if they get a rabies tag from a veterinarian indicating that the rabies vaccines are up to date that that is equivalent to a license, and we are trying to educate people that that is not the case. We have a kind of clunky online system right now, and we know that--

CHAIRPERSON ARROYO: Kind of what?

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DEPUTY DIRECTOR KASS: Clunky is  
the term--

CHAIRPERSON ARROYO: [interposing]  
That is not good.

DEPUTY DIRECTOR KASS: No, it is  
not good, and so we are reevaluating how to  
completely redesign our online dog licensing  
system. we have a couple of options that we are  
exploring in detail. One would be to I think I  
mentioned in April to make it part of the Acela  
roll out, which is the city's new licensing and  
permitting system that is being built or to  
develop a system on its own. We have made some  
improvements in that system. We have electronic  
data linkage now with Animal Care and Control  
which issues licenses to all animals that it  
adopts it. We are hoping once we get authorized  
to issue a greater percentage of the fee to enlist  
the support of third parties. That could include  
everything from pet shops to more rescue  
organizations to veterinarians, so we will be  
doing that. We do know right now the one dollar  
fee is just not sufficient to encourage people to  
participate in the licensure.

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CHAIRPERSON ARROYO: What are the points of entry where an animal owner can access that process? Is it just the Department of Health, the shelter, where I have a cat or a dog or I want a license, where do I go? What are my options?

DEPUTY DIRECTOR KASS: So if you are adopting an animal from the shelter--

CHAIRPERSON ARROYO: [interposing] No, I found this guy on the corner. Where do I go? What do I do?

DEPUTY DIRECTOR KASS: First, thank you for keeping it, and you would go either online. You would go to our website.

CHAIRPERSON ARROYO: To the clunky system?

DEPUTY DIRECTOR KASS: To the clunky system. you could go to our website and download an application, you can call 311 and they will mail you an application. Those are the points of entry.

CHAIRPERSON ARROYO: So pet stores don't provide that information?

DEPUTY DIRECTOR KASS: Pet stores

1  
2 do provide that information, but they don't  
3 generally issue the licenses themselves. That is  
4 what we would like to see changed, but to do so  
5 again requires major system changes and a change  
6 in the incentives.

7 CHAIRPERSON ARROYO: The other  
8 resolution on the pet store oversight assuming  
9 that that is passed and that we are able to  
10 regulate the pet store industry, do you anticipate  
11 requiring pet stores to do that kind of work?

12 DEPUTY DIRECTOR KASS: The ones  
13 that are city regulated are already required to do  
14 so. So if this resolution goes forward and the  
15 state law passes then we would capture additional  
16 pet stores and if the Council acted in such a way  
17 to expect a permit of those establishments there  
18 would be additional pet stores that would come  
19 into the fold, and those would be licensed as  
20 well.

21 CHAIRPERSON ARROYO: Why some and  
22 not all? It sounds like social adult daycare  
23 right now.

24 DEPUTY DIRECTOR KASS: My  
25 understanding is that if a pet shop sells ten or

1  
2 more dogs a year than they are state regulated as  
3 opposed to city regulated and that is what the  
4 resolution--that is what the state law would  
5 change. It would grant authority to the city--

6 CHAIRPERSON ARROYO: [interposing]  
7 Regardless of the number.

8 DEPUTY DIRECTOR KASS: Regardless  
9 of the number.

10 CHAIRPERSON ARROYO: So what are  
11 the regulations that we would impose on the pet  
12 stores?

13 DEPUTY DIRECTOR KASS: Well, the  
14 state law would authorize the Council to make  
15 those determinations.

16 CHAIRPERSON ARROYO: Are you  
17 thinking about this?

18 DEPUTY DIRECTOR KASS: Thus far we  
19 support the idea of greater local control. We  
20 will work with the Council over time once granted  
21 that to think about what are some of the things  
22 that we can do. We already do regulate pet shops,  
23 so we would be happy to have additional ones under  
24 our control, and again, we will work with Council  
25 and advocates to think about what might be some of



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the things that we can do that would support general good animal care, ownership and population control.

CHAIRPERSON ARROYO: What are the regulations now?

DEPUTY DIRECTOR KASS: Our regulations mostly have to do with conditions, hygiene, vaccination, licensure--so they have to be trained in animal handling and have an animal handler's license also to manage the pets.

CHAIRPERSON ARROYO: Counsel here is whispering in my ear, that is why I sound so smart. So these are pet stores that now meet that ten dogs per year requirement?

DEPUTY DIRECTOR KASS: We're at this point prohibited from locally regulating pet shops that sell ten or more dogs a year, so those are not under our authority.

CHAIRPERSON ARROYO: Every single pet store in the city is regulated on those criteria that you articulated?

DEPUTY DIRECTOR KASS: It's the determination of where the jurisdiction is rests on that.

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CHAIRPERSON ARROYO: I am confused.

DEPUTY DIRECTOR KASS: Maybe I am confused too.

CHAIRPERSON ARROYO: Maybe she can fill out a slip and she can take the mic. Uh huh.

DEPUTY DIRECTOR KASS: I'm sorry. Martha Robinson from our general counsel office corrected me. If a pet shop does not sell dogs and cats the city health department regulates it, if the city health department sells dogs and cats and other animals then we regulate it as a pet shop.

CHAIRPERSON ARROYO: Go over that again.

DEPUTY DIRECTOR KASS: I'm going to let Martha testify.

CHAIRPERSON ARROYO: Give her a slip sergeant or somebody fill it out for her.

MARTHA ROBINSON: Martha Robinson, associate general counsel, Department of Health. If a pet shop is selling any animals other than dogs and cats, the Health Department requires a permit from us. If the pet shop is selling dogs and cats and other animals, they also have to have

1  
2 a permit from us. If they are only selling ten or  
3 more dogs or cats a year, that is all they sell,  
4 they do not get a permit from us.

5 CHAIRPERSON ARROYO: A permit from  
6 the city, and that permit enables you to go in and  
7 inspect.

8 MARTHA ROBINSON: Yes. The health  
9 code. Under the health code under article 161 of  
10 the health code, pet shops have to meet certain  
11 sanitary conditions and they have to have a person  
12 in charge who has taken a small animal handling  
13 course. There are pet shops that sell all kinds  
14 of animals in the city as you know, and the pet  
15 shops that sell all kinds of animals have to have  
16 a permit under health code Section 16109. If the  
17 pet shop also sells dogs and cats it has to be  
18 permitted by us as well as by state ag and  
19 markets. It is under the state ag and markets  
20 law, the law that you are proposing to change now.  
21 Under that law, there are certain requirements for  
22 the treatment of dogs and cats in those pet shops.  
23 So if you are handling both dogs and cats and  
24 other animals, you are under the jurisdiction of  
25 both the Health Department here and the state

1  
2 department of ag and markets. So where we have an  
3 opportunity to go into the pet stores regardless  
4 of what they are doing, they are required to have  
5 a permit.

6 MARTHA ROBINSON: Unless they only  
7 sell ten or more dogs or cats a year.

8 CHAIRPERSON ARROYO: Most sell  
9 everything. Goldfish and everything else.

10 DEPUTY DIRECTOR KASS: We think  
11 there are 29 facilities that are not currently  
12 regulated by the city that are regulated only by  
13 the state.

14 CHAIRPERSON ARROYO: And those are  
15 the ones you want to get into?

16 DEPUTY DIRECTOR KASS: That is the  
17 one that the proposed state law - - .

18 CHAIRPERSON ARROYO: The  
19 opportunity for the city to go in and inspect  
20 covers just about every single business/pet store.

21 MARTHA ROBINSON: If there was some  
22 gross sanitary condition in any pet store, the  
23 Department would be authorized under the state law  
24 to go in there, regardless of whether they are  
25 only selling dogs or cats, but if they are only

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selling dogs and cats, basically we don't regulate the conditions under which the dogs and cats are sold. Those are regulated by the state department of ag and markets.

CHAIRPERSON ARROYO: So currently, we can't do like you do with restaurants when you go in and inspect and you issue violations, and then they have to go pay for whatever those violations were.

MARTHA ROBINSON: If they are exclusively the places where they are only selling dogs and cats, then we do not have the authority to go in there, and inspect routinely and see that they are in compliance with any city laws. They are subject to the state.

CHAIRPERSON ARROYO: Are there any violations involved or do you have the opportunity to issue violations to pet stores that are deemed not run well, not sanitary, etc.

MARTHA ROBINSON: If they are exclusively selling dogs and cats over ten a year, we do not. We cannot.

CHAIRPERSON ARROYO: But there are those that you do.

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MARTHA ROBINSON: There are some that have both kinds of animals.

CHAIRPERSON ARROYO: The ones that you permit. The ones that you permit, forget the 29 and at some point you are going to get us a list of where those 29 establishments are, do you know where they are?

DEPUTY COMMISSIONER KASS: We can try.

CHAIRPERSON ARROYO: You can try.

DEPUTY COMMISSIONER KASS: Yes.

CHAIRPERSON ARROYO: We don't know where they are at.

DEPUTY COMMISSIONER KASS: The statements.

CHAIRPERSON ARROYO: Okay. So the ones that you do permit, there are no violations issued by the Department of Health to these businesses that cost them something.

DEPUTY COMMISSIONER KASS: For those that we regulate we do do inspections and we will issue notices of violations where they occur.

CHAIRPERSON ARROYO: How well do we collect on the violations?

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2 DEPUTY COMMISSIONER KASS: Well,  
3 any violation issued to a permitted entity has to  
4 be paid in order for them to renew their permit.

5 CHAIRPERSON ARROYO: So do we know  
6 if we are doing well on collections or not. How  
7 many businesses lose their license or their permit  
8 due to--

9 DEPUTY COMMISSIONER KASS:  
10 [interposing] --but we can follow up with you to  
11 give you the specifics, but it is unusual for a  
12 business to go out of business because they are  
13 not paying a penalty in this area.

14 CHAIRPERSON ARROYO: I know that  
15 the goal of our discussion here is to try and get  
16 a handle on stores that are selling a lot of  
17 animals or I think the advocates call them puppy  
18 mills and minimize the number of ultimately  
19 animals that come into the system because I go to  
20 the store, and oh my god, he is so cute, and I am  
21 going to take him home, and then when I get him  
22 home in a couple of months I have realized I have  
23 made a mistake and now I don't want to keep this  
24 animal, he ends up in your shelter because I come  
25 in and make up some story about why I can't keep

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2 the animal and you take them. So the availability  
3 of animals in stores is something that we need to  
4 work on and reduce so that we can shift the  
5 practice of animal ownership from buying one to  
6 rescuing one from a shelter. I think the larger  
7 goal here of us trying to get control over these  
8 businesses is to hit at reducing the number of  
9 animals that come out of these stores. And I  
10 think that we are in a really good position to be  
11 able to do that and begin to from a different  
12 strategy perspective reduce the number of animals  
13 that have to be dealt with by Animal Care and  
14 Control and all of the other animal care advocates  
15 in our city. The human element in this  
16 conversation is the one I am really frustrated  
17 about. We create the need for shelters because we  
18 as individuals are not necessarily responsible and  
19 thoughtful about pet ownership. They don't find  
20 the way to our streets on their own. Somebody put  
21 them there and where it is a situation where it is  
22 a lost animal that we work really really  
23 diligently to reunite the pet and the owner, but  
24 the stream of animals has to be reduced. We have  
25 to reduce the opportunity for animals ending up in



1  
2 our shelters. I have a bunch more questions, but  
3 I'm crunched for time today. My nephew is  
4 graduating. He is the valedictorian of his  
5 graduating class and I have to go hear that speech  
6 at 2:30, so I am going to leave the questions  
7 there, and as always please stay for the remainder  
8 of the hearing so you can hear the public  
9 testimony. We have some work to do on the  
10 registry bill, and we have some phone calls to  
11 make to our friends at the state to make sure that  
12 those two pieces of legislation are passed and the  
13 governor signs it so that then we can begin to  
14 figure out the language that we are going to put  
15 in our law for the regulating of pet stores.

16 DEPUTY COMMISSIONER KASS: Good.

17 Thank you very much.

18 CHAIRPERSON ARROYO: So as I am  
19 calling up the first panel, I am going to ask  
20 everyone to please summarize your testimony. If  
21 you have a hard copy we always have it for the  
22 record. I hate to use the clock, but I will if I  
23 have to. Don't make me. Jennifer Coffey  
24 [phonetic], Mayor's Alliance New York City  
25 Animals, Martha Golar [phonetic], New York City

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2 Bar Association and Jane Hoffman, also Mayor's  
3 Alliance. Thank you for being here. I think you  
4 guys have done this before. You know the drill.  
5 Okay. Begin when you are ready.

6 MARTHA GOLAR: We are going to be  
7 talking about the ten or more pet shops. Good  
8 morning. My name is Martha Golar. I am here on  
9 behalf of the New York City Bar Association  
10 Committee on Animal Law. I appreciate the  
11 opportunity to express our support for the  
12 resolution T2013 6368, a resolution calling on--

13 CHAIRPERSON ARROYO: [interposing]  
14 I am sorry, Martha. Give me a second. I am  
15 missing a witness.

16 JANE HOFFMAN: Jenny Coffey had to  
17 leave to take care of a domestic violence. I can  
18 read her testimony if you like.

19 CHAIRPERSON ARROYO: We will have  
20 it for the record.

21 JANE HOFFMAN: Okay. Cool.

22 CHAIRPERSON ARROYO: I am sorry. Go  
23 ahead.

24 MARTHA GOLAR: Okay. We support  
25 the resolution calling on New York State

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2 Legislature to pass and the governor to sign  
3 Assembly Bill 740, Senate Bill 3753. The state  
4 bill would amend Section 407 of the agriculture  
5 and markets law and Section 753d of the general  
6 business law to authorize municipalities to enact  
7 local laws, ordinances and regulations governing  
8 pet dealers and concerning public health, safety  
9 and consumer protection relating to the sale of  
10 dogs and cats by pet dealers, so long as the local  
11 law is consistent with and more stringent than the  
12 provisions of state law. The state bill would  
13 repeal Section 400a of the agriculture and markets  
14 law and Section 753e of the general business law,  
15 which expressly now preempt municipalities from  
16 enacting consumer protection laws relating to pet  
17 dealers. If the municipality enacts a more  
18 stringent law, the municipality would be  
19 responsible for its enforcement. The state's  
20 current statutory scheme restricts the city from  
21 adequately protecting animals and consumers and  
22 results in confusing and unnecessarily complicated  
23 local regulations. The problem stems from a gap  
24 in state law. The agriculture and markets law and  
25 general business law regulate only persons who

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2 sell dogs and cats. State law defines a pet  
3 dealer as a person who sells or offers to sell  
4 more than nine dogs and/or cats to the public per  
5 year or a person who sells or offers to sell 25  
6 more dogs and/or cats from his or her residential  
7 premises. State law regulating pet dealers does  
8 not cover pet stores that sell other kinds of  
9 common pets such as birds, fish, rabbits and  
10 reptiles. There are many pet stores in New York  
11 City that sell these kinds of animals. In an  
12 apparent effort to fill that gap and to provide  
13 additional protection to consumers and animals,  
14 Article 161 of the New York City Health Code  
15 includes a permitting and regulatory scheme for  
16 pet stores. City regulated pet stores are  
17 subject to requirements concerning training,  
18 sanitary conditions, self-inspections and record  
19 keeping, protections concerning animals with  
20 communicable diseases, the provision of dog  
21 license applications and animal housing, but due  
22 to state law pre-emption persons who exclusively  
23 sell dogs and/or cats are exempt from the city's  
24 requirements. The following examples illustrate  
25 how arbitrary the current regulatory scheme is in

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2 New York City. A consumer that buys a puppy from  
3 a pet shop in Queens that sells dogs exclusively  
4 is protected by state law. A consumer that buys a  
5 puppy from a pet shop in the same neighborhood  
6 that also sells pet birds is protected by state  
7 and local law and a consumer that buys a parakeet  
8 from the store that sells dogs and birds is  
9 protected by local law only. There is no reason  
10 why consumers or animals should be treated so  
11 differently. The regulation of pet stores  
12 squarely within the city's home rule authority to  
13 enact laws that concern government protection,  
14 order, conduct, safety, health and well-being of  
15 persons or property in the municipality including  
16 the licensing of occupations. Indeed a number of  
17 other New York State laws concerning animals and  
18 consumer protection do not preempt municipalities  
19 from enacting more stringent local laws. For  
20 example, state law authorizes municipalities to  
21 enact laws concerning the operation of spay/neuter  
22 facilities, dogs running at large in their  
23 seizure, the licensing and requirements of process  
24 servers and the licensing requirements of home  
25 improvement contractors. For these reasons, the

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2 animal law committee urges the City Council to  
3 pass the resolution and we have attached to our  
4 testimony, a copy of the full city bar association  
5 report that would give you more citations and a  
6 little more specifics.

7 JANE HOFFMAN: Hi, I am Jane  
8 Hoffman. Thank you for the opportunity to testify  
9 again. I wanted to just give the committee some  
10 history and some data about live release rates,  
11 about drops in euthanasia and how we have gotten  
12 to where the city is today. In 2005, the Mayor's  
13 Alliance secured a Mattie's fund grant [phonetic],  
14 which was a seven year cycle grant and brought  
15 about 26 million dollars into animal welfare in  
16 New York City. To secure that grant, we did a ten  
17 year strategic plan--let me just give you these.  
18 Basically, we are required to do a ten year  
19 strategic plan. That plan had four core  
20 objections which the first chart will show. That  
21 is to increase adoptions. That is - -  
22 straightforward. The second strategic core  
23 objective was to decrease homelessness which  
24 includes the spay, neuter of owned cats and dogs  
25 as well as community stray or feral cats,

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2 responsible pet ownership including licensing and  
3 micro chipping. The third was to raise awareness  
4 about shelter animals and the rescue groups in  
5 shelters. The fourth was to strengthen the  
6 resources of the rescue groups and shelters by  
7 providing services and resources so the groups and  
8 shelters could build capacity and capability.  
9 Working with the AC&C, the alliance created the  
10 new hope department at ACC. This Department  
11 supported with a transfer initiative grant from  
12 the alliance from 2005 through 2012--

13 CHAIRPERSON ARROYO: I am sorry,  
14 Jane. - - the board, that might work. I think we  
15 are at a disadvantage here. I like the public to  
16 see it, but we are not going to be able to do it.  
17 Speak into the mic.

18 JANE HOFFMAN: There is a ten year  
19 strategic plan, four core initiatives, which I  
20 have just outlined. Increase adoptions, decrease  
21 homelessness, raise awareness and strengthen  
22 resources. We have about 18 initiatives  
23 supporting this plan. One of the things that came  
24 very clear was we needed was to be able to market  
25 these animals successfully and working with AC&C

1  
2 we created the new hope department and aided them  
3 with funding, and I am very happy to see and  
4 acknowledge that Department of Health has  
5 increased funding to blow out the Department even  
6 further. That is one of the most important  
7 initiatives I think is the--oh, excellent. Sorry,  
8 I should have let you know ahead of time. And  
9 basically, that department helps market the  
10 animals to its rescue partners, its new hope  
11 partners. That is extremely important, and then  
12 seeing that these animals needed to get out as  
13 quickly as possible, we created the distribution  
14 part of this system, which is the new hope--I'm  
15 sorry--working with the new hope, the wheels of  
16 hope transport program takes these animals from  
17 AC&C to its new hope partners, and as the new  
18 executive director has laid out in great detail,  
19 which I am very grateful for because I don't think  
20 enough people realize that this is being done  
21 pursuant to plans. We are not just sort of  
22 reacting randomly to things that happen. the AC&C  
23 transfers the animals pulled by the new hope  
24 partners, spayed or neutered, vaccinated and micro  
25 chipped for free. In addition adoption subsidies



1  
2 from the Mattie's fund grant through 2005 through  
3 2012 in the amount of 12.2 million dollars was  
4 paid out to the rescue groups that were Mattie's  
5 pet partners to support their efforts in taking  
6 these animals from animal care and control. We  
7 have a strategic plan and we have been executing  
8 it. As you can see in this slide, this is the  
9 transfers from AC&C and the adoptions from AC&C,  
10 so they had steadily gone up, and then as intake  
11 dropped, you know, we have continued to make this  
12 progress to transfer animals from AC&C to the  
13 rescue groups, and this was even with the budget  
14 cuts that the AC&C experienced. They still  
15 continued to work in this manner with their rescue  
16 partners, and thanks to the funding restored by  
17 the Council through local law 59, they are  
18 continuing to rebuild the organization. so  
19 working together, we have achieved a reduction in  
20 euthanasia and an increase in live release rate.  
21 The euthanasia dropped. in 2003, we were  
22 euthanizing almost 32,000 cats and dogs that year.  
23 By the end of law year 2012, we had dropped that  
24 to 8,252 animals--the majority of which by the way  
25 are cats, which nobody seems to mention. It is

1  
2 always dogs, which I love dogs. I have dogs, but...  
3 So to summarize these are two different ways to  
4 measure. There is the drop in euthanasia, which  
5 has been achieved by transfer to the partners to  
6 help get them adopted, adoptions directly from  
7 AC&C, return to owner. So in 2003 as I said,  
8 almost 32,000 cats and dogs dropped to 8,252 in  
9 2003. Now another way of measuring this is called  
10 live release. Live release, which is what you  
11 mean live outcome I believe represents adoptions,  
12 transfers to rescue, return to owner as a  
13 percentage of total intake. Just to give you an  
14 example of the progress we have been making in  
15 2003, live release was 26 percent. In 2004, it  
16 was 38. In 2005, it was 44. In 2006, it was 47.  
17 In 2008, it was 56. In 2009, it was 66. In 2010,  
18 it was 67. In 2011, it was 66 and we ended the  
19 year in 2012 with a 70 percent live release rate.  
20 Just to bring it up to date because we usually do  
21 this on an annual basis, the first quarter of 2013  
22 we reached an astonishing live release rate of 81  
23 percent in the city of New York. So to increase  
24 live release, you need the following, you need a  
25 plan, you need to provide funding sufficient to

1  
2 the task to AC&C, you need to provide services and  
3 resources to the rescue groups and shelter  
4 partners, and you need the management and  
5 expertise to put it all together. I would submit  
6 that we have that in new York in place. We need  
7 additional resources at AC&C to do that, and of  
8 course we always love private donations to the  
9 Mayor's Alliance, but you know live release is not  
10 something I don't think really has helped--you  
11 can't legislate collaboration. I don't think you  
12 can regulate live release. I think you need to  
13 just put the resources so that we can get the job  
14 again. If I could just briefly summarize Jenny  
15 Coffey's testimony, she is a social worker who  
16 works with the Helping Pets and People program at  
17 the Mayor's Alliance, which is focused on the pets  
18 of domestic violence and people in personal  
19 crisis. We just recently launched a pilot program  
20 with the urban resources institute, a domestic  
21 violence social service provider who works with  
22 the city to for the first time ever allow co-  
23 sheltering of domestic violence victims with their  
24 pets. One thing I would say that you could do to  
25 help live release rate is to as the City Council

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2 to work with whatever city agencies are necessary  
3 to allow people who are victims of domestic  
4 violence or other crisis in their life that their  
5 pets remain with them. That will drop intake at  
6 AC&C. That will make a real difference. URI and  
7 the alliance are showing it can be done. It is  
8 done in other parts of the country, and that is  
9 something the Council could directly impact if  
10 they would work on making it possible for all  
11 shelters to be required to accept pets as part of  
12 the family.

13 CHAIRPERSON ARROYO: You did not  
14 give us an opinion on the license fee issue and  
15 the registry, the animal abuse registry. Do you  
16 have an opinion?

17 JANE HOFFMAN: I always have an  
18 opinion.

19 CHAIRPERSON ARROYO: Please share  
20 with us and always ideas on how we can improve  
21 what is being proposed.

22 JANE HOFFMAN: Sure. I mean the  
23 dog licensing I think it is time to raise, but  
24 basically, everything you said about the licensing  
25 and was sort of testified was improving people's

1  
2 access to getting licenses. It is sort of like  
3 fish and wildlife you can get a trapping or  
4 hunting license anywhere, so increasing--which was  
5 mentioned. I second the clunky website. It can  
6 take you a very long time to get them. The only  
7 concern I have is that I really would like to see  
8 the funding from fines. There are certain set out  
9 uses that that really be prioritized to be used  
10 for supplementing funding at the animal shelters,  
11 not just using it to pay for that if that is  
12 possible. I don't know whether that is possible  
13 or not, but really making sure that the money  
14 because I think people will pay more for licenses--  
15 -I know I would--if I thought or knew that it was  
16 going really directly to help animals, and I know  
17 licensing does and all of that, but I just think  
18 if there is a certain percentage that could be  
19 prioritized to supplement not pay for already  
20 existing budgeting that would be great.

21 CHAIRPERSON ARROYO: Animal abuse  
22 registry?

23 JANE HOFFMAN: I think it needs--we  
24 need to work a little bit more on it. I obviously  
25 don't want anyone who has ever been accused--the

1  
2 one thing I would love to see is that it is  
3 extended the abuse of any animal, not just a  
4 companion animal and both abusing and then owning  
5 no animal if you abused any kind of animal other  
6 than a human animal then you would be subject to  
7 this as well.

8 CHAIRPERSON ARROYO: Okay. The  
9 Association, no comment? - - please give us an  
10 opinion if you have it. If you don't have it,  
11 please say so.

12 JANE HOFFMAN: Please, please,  
13 please do the reso on the pet dealer. If we can  
14 do that--you know back in 2000 when you guys  
15 passed the law that required spay, neuter from  
16 animal shelters there was a portion in that if you  
17 recall that would have required pet stores to spay  
18 and neuter prior to sale just like it is prior to  
19 adoption. If we had had that in place we would be  
20 so much further forward, and I don't see why these  
21 businesses should be able to make money that then  
22 falls back on the burden of as you said, they are  
23 dropped at the shelters. So that to me would be  
24 huge if we could get control of that.

25 MARTHA GOLAR: We didn't have time

1  
2 actually to get through the whole Bar Association  
3 process for the purposes of taking positions on  
4 the other two matters. In fact, we do have  
5 approval on the - - bill, but that wasn't on the  
6 agenda for today, and we may very well have a  
7 position on the dog licensing. I don't know that  
8 we will come out with one on the registry.

9 Although I know there is a difference between a  
10 database and a registry, but we may very well have  
11 a position on the licensing, but not for today.

12 JANE HOFFMAN: Right. We are a  
13 bunch of lawyers. It takes a while.

14 CHAIRPERSON ARROYO: Okay. Council  
15 Member, any questions? No. Thank you both for  
16 your testimony as always for your advocacy on this  
17 really important matter. The next panel is going  
18 to be a little large, so I think we are going to  
19 need a couple more chairs, sergeant, around the  
20 table. Michelle Villa-Gomez [phonetic], ASPCA,  
21 Allison Cardona [phonetic], also ASPCA, Corey  
22 Menkin--I hope I said that right, also ASPCA,  
23 Brian Shapiro [phonetic], Humane Society of the  
24 United States and Eleanor Molbegott [phonetic],  
25 Humane Society of New York. I think you have all

1  
2 done this before. You know the drill. Identify  
3 yourselves for the record, and begin when you are  
4 ready in whichever order you choose.

5 MICHELLE VILLA-GOMEZ: Good  
6 morning. My name is Michelle Villa-Gomez. I am  
7 the New York City legislative director for the  
8 ASPCA. On behalf of the ASPCA and its over 32,000  
9 New York City supporters, I really would like to  
10 thank the Council and the Health Committee for  
11 holding this hearing to discuss legislation at the  
12 state and local level, which would impact New York  
13 City's animals and the people that care for them.  
14 I am just going to add your staff was terrific  
15 doing all of the background research on this  
16 issue. Now they are almost experts I think. The  
17 ASPCA supports the state legislation resolution  
18 requesting New York State to pass Assembly Bill  
19 2046, Senate Bill 5048, which was introduced by  
20 Assembly Member Cavanaugh and Senator Serrano,  
21 which would amend current laws relating to animal  
22 control, the animal population control fund and  
23 licensing animals in New York City. We have been  
24 a proponent of this legislation at the state level  
25 as well. As you know, the ASPCA supports programs



1  
2 that provide incentives to the public to spay,  
3 neuter their companion animals. We previously  
4 supported legislation at the state and local level  
5 that would allow the City Council to raise the  
6 license fee for an unaltered dog with the  
7 differential amount going to fund the animal  
8 population control program, which provides low  
9 income New Yorkers access to spay, neuter  
10 services. just to give you an update on that, the  
11 ASPCA is actually one of the providers of low  
12 income spay, neuter. We were doing it  
13 independently, but we also have a contract with  
14 the Department of Health to provide those services  
15 out of that funding for that animal population  
16 control fund in Manhattan and Queens, and to date  
17 we are at close to 40,000 spay neuters. This  
18 legislation puts forward something that we have  
19 advocated for over the years, which is point of  
20 transfer licensing, so you would be able to walk  
21 out with a dog license after an adoption, a sale,  
22 at veterinarians offices, from humane societies,  
23 shelters, pet shops, boarding, grooming and  
24 training facilities, so those were those  
25 facilities that would be permitted under Section

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2 161.9 of the New York City Health Code, which was  
3 referenced earlier. This bill does that, and it  
4 would also modernize our outdated dog licensing  
5 laws and establish a dedicated revenue stream for  
6 our animal population control program. it would  
7 allow us to set that base license fee and three-  
8 quarters of the money that would come from  
9 penalties for violations would go to that animal  
10 control fund. So as we have said before, and as  
11 others have said before, this is an opportunity  
12 for the city to invest in its Animal Care and  
13 Control program, but in order to maximize on the  
14 potential revenue, we have to work to increase dog  
15 licensing compliance, and dog licensing compliance  
16 has gone down over recent years. we hear the  
17 statistics that about 20 percent of dogs are  
18 licensed. That is the official count. At the  
19 ASPCA we actually believe there is more dogs in  
20 New York City than the Department of Health  
21 acknowledges, but either way 20 percent is not  
22 nearly enough. There is a lot of low hanging  
23 fruit there of people that would be willing to get  
24 a dog license if presented with the opportunity  
25 and if they were confident that part of the fee

1  
2 would go to help Animal Care and Control programs.  
3 Currently there is little incentive because even  
4 though there is a threat of a fine for unlicensed  
5 dogs, summonses are rarely issued. We look  
6 forward to providing helpful and creative input  
7 when the Council considers restructuring the  
8 licensing protocol and fee schedule, so we stand  
9 ready to help and participate in that discussion  
10 whenever that comes up. with regards to  
11 Councilman Vallone's bill, we think that prior to  
12 acting on the abuse registry concept that it would  
13 be advisable for the Council to conduct a study of  
14 the jurisdictions that have enacted registry laws,  
15 so they have been enacted in Suffolk, Rockland and  
16 Albany in our area. We think that we should  
17 determine how their experiences in creating,  
18 maintaining and enforcing the registry laws might  
19 inform our dialogue. The Council should examine  
20 the feasibility and the efficacy of implementing  
21 such a registry in New York City to be sure that  
22 this would be a productive approach. The ASPCA  
23 strongly supports efforts to raise awareness of  
24 the seriousness of animal abuse and neglect as a  
25 significant crime and to publicize the connection

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2 between animal cruelty and other forms of  
3 violence; however, we have questions about the  
4 concept of animal abuse registries because we know  
5 of no evidence that they can achieve their  
6 purported aim, and we worry that they may instead  
7 unwittingly do more harm than good. There are  
8 serious practical issues surrounding the concept  
9 of animal abuser registries, including the risk  
10 that having an animal cruelty crimes associated  
11 with a long term abuser registry could  
12 inadvertently decrease the prosecution of such  
13 offenses that registries overlook the importance  
14 of addressing mental health issues often seen in  
15 animal cruelty offenders and that properly  
16 maintaining an abuser registry requires that there  
17 is a uniform centralized tracking of animal  
18 crimes, which currently does not exist. We  
19 recommend that before further action is taken, the  
20 Council undertake a comprehensive study of animal  
21 abuser registries. In addition, we urge lawmakers  
22 to sponsor legislation that creates stronger laws  
23 to protect animals, increases ability to enforce  
24 existing laws and augments funds for animal  
25 programs aimed at prevention. I will turn it over

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to my colleague Corey Menkin, who will speak to  
the other - - .

CHAIRPERSON ARROYO: Whose  
testimony is going to be a little shorter, right?  
Okay.

COREY MENKIN: Good morning. My  
name is Corey Menkin. I am the senior director of  
the puppy mills campaign at the ASPCA. Thank you  
to the entire Committee and Chairwoman Arroyo for  
the opportunity to testify today. As part of my  
role at the ASPCA, I oversee our no pet store  
puppies campaign, which urges consumers to pledge  
not to buy anything in pet stores that sell  
puppies. That includes pet supplies. If you own  
a cat, we don't want you to buy your kitty litter  
in a pet store if it sells puppies. The reason  
for that is we believe that most pet store puppies  
come from puppy mills, and puppy mills for those  
who don't know are large scale commercial dog  
breeding operations where profit is prioritized  
over the well-being of the dogs, and the dogs  
there--particularly the breeding dogs who live  
their whole lives there are typically kept in  
overcrowded, unsanitary conditions without vet

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2 care, sometimes without adequate food or water or  
3 socialization. So I am here today to urge you to  
4 support the resolution in support of Assembly Bill  
5 740, Senate Bill 3753, which would repeal the  
6 provisions of both the ag and markets law and the  
7 general business law that prevent local  
8 governments from exercising their home rule powers  
9 to regulate breeders and pet stores. We have  
10 received numerous inquiries from local governments  
11 regarding the ability to go above and beyond the  
12 state law regulating pet dealers, but  
13 unfortunately New York State remains the only home  
14 rule state in the nation to our knowledge that  
15 expressly prohibits its towns and cities from  
16 acting locally to regulate this industry beyond  
17 the state's ineffective law. For over a decade  
18 the weak and erratic enforcement of the New York  
19 State pet dealer law has failed to protect the  
20 dogs and the state's many commercial breeding  
21 facilities, state regulators have only ever  
22 licensed an average of about 100 breeders annually  
23 since the program began in 2002. This doesn't  
24 even begin to touch upon or acknowledge the full  
25 scope of the number of breeders selling animals to

1  
2 the public that should be licensed. They are  
3 currently selling puppies illegally, and they are  
4 doing so without paying income taxes on those  
5 sales. while offering very basic care standards,  
6 the existing law also allows dogs to be kept in  
7 cramped, wire floored cages only six inches longer  
8 than the dog in each direction. The cages can  
9 legally be stacked one on top of the other,  
10 allowing for overcrowding and creating problems  
11 with ventilation, light and even the dripping of  
12 waste from upper cages into those below. Breeding  
13 dogs at puppy mills might spend their entire lives  
14 outdoors exposed to the elements or crammed inside  
15 filthy structures where they may never get the  
16 chance to feel the sun or fresh air on their  
17 faces. The puppies, which are usually purchased  
18 in pet stores or online, sometimes go to their new  
19 homes with diseases, parasites or congenital  
20 hereditary defects that the consumers are unaware  
21 of. In addition, New York City's pet stores which  
22 are also regulated under the same law that  
23 licenses commercial dog breeding overwhelmingly  
24 sell puppies from inhumane, out of state puppy  
25 mills. The vast majority of puppies sold in these

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2 pet stores come directly from USDA regulated  
3 wholesale brokers, who get their puppies from  
4 massive breeding facilities all across the United  
5 States. Some of these breeders have long  
6 histories of egregious violations of the federal  
7 animal welfare act. That means that they are not  
8 even meeting the very, very basic minimal  
9 standards required under the federal law. And who  
10 pays for this? Besides the dogs that are being  
11 bred and sold, ultimately it is the public. Our  
12 local governments and non-profit shelters absorb  
13 the costs associated with the unlicensed breeders  
14 and unwanted pet store dogs through cruelty  
15 seizures, sheltering costs and legal proceedings.  
16 This legislation would not replace or compromise  
17 the state's existing authority over such  
18 businesses, but would allow local governments such  
19 as New York City the option for greater local  
20 control and management if desired in their  
21 community. It is for all of these reasons that we  
22 urge the City Council to call upon the New York  
23 State Legislature to pass and the governor to sign  
24 Assembly Bill 740, Senate Bill 3753. Thank you.

25 CHAIRPERSON ARROYO: Before the



1  
2 next person goes on, I would like to acknowledge  
3 Council Member Ferreras. Thank you for joining  
4 us.

5 ALLISON CARDONA: Thank you. My  
6 name is Allison Cardona, and I am the director of  
7 the cruelty intervention advocacy program at the  
8 ASPCA. So aside from increasing funding to animal  
9 control and to building shelters in the Bronx and  
10 Queens, one of the simplest things that the city  
11 could do to help shelters achieve improved  
12 outcomes for animals is to promote a reasonable  
13 pet policy through legislation and advocacy. One  
14 of the most heartbreaking calls we receive at the  
15 ASPCA is from tenants who are forced to relinquish  
16 their pets due to a no pet provision in their  
17 lease. These tenants must make the agonizing  
18 choice of relinquishing their animal to an already  
19 overburdened shelter system or risk losing their  
20 home. No responsible person should have to make  
21 this choice. In fact of the animals that are  
22 brought into the shelter system, many are  
23 surrendered simply because the person lives in a  
24 building without a pet policy. No pet policies in  
25 multiple dwellings is a leading factor causing the

1  
2 euthanasia of healthy, adoptable animals and is  
3 preventing New York City from increasing live  
4 outcomes in animal shelters. In addition the  
5 ASPCA's own adoptions department must deny untold  
6 numbers of potential adopters an animal simply due  
7 to the no pet provisions in their leases. We have  
8 long been an advocate for pet friendly housing in  
9 New York City supporting needed legislation like  
10 Intro 392, which would clarify the rights of pet  
11 owners in multiple dwellings as well as opposing  
12 breed specific bans and weight restrictions. We  
13 urge you to work with your colleagues in the  
14 Council to advance Intro 392, which clarifies the  
15 pet law, a law passed to keep landlords from using  
16 no pet clauses that were never previously enforced  
17 as a pretext for evicting rent regulated tenants  
18 who keep pets. We would also like the Council to  
19 take a stand against the overly restrictive pet  
20 policy that the New York City Housing Authority  
21 has implemented. These rules are contrary to good  
22 public policy failing to make the NYCHA community  
23 safer while compelling relinquishment and  
24 euthanasia of friendly, well-behaved dogs  
25 belonging to NYCHA residents and largely

1  
2 foreclosing housing opportunities to the city's  
3 shelter dogs. This policy effects more than just  
4 the banned breeds. Many breeds exceed that  
5 arbitrary weight of 25 pounds including beagles,  
6 cocker spaniels and others. New Yorkers love  
7 their pets. By overwhelming majority we are  
8 apartment dwellers whether it is private rental or  
9 public housing. With near zero vacancy rents and  
10 prohibitive real estate prices, most of us don't  
11 have a lot of options. Promoting pet friendly  
12 legislation, regulations and incentivizing  
13 landlords to take pets would help us find more  
14 homes for animals, result in fewer animals being  
15 abandoned on our city streets and reduce  
16 admissions into the shelter system thereby  
17 reducing pet euthanasia. New York City should  
18 recognize what millions of New Yorkers with pets  
19 know that pets are members of people's families.  
20 We will continue to advocate for pet friendly  
21 housing for all New Yorkers and stand ready to  
22 assist the Council to make this a reality. Thank  
23 you.

24 CHAIRPERSON ARROYO: Brian, before  
25 you start, Council Member Vallone has a question.

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COUNCIL MEMBER VALLONE: Thank you.

I have to leave for a 12 o'clock meeting, but I wanted to jump in and speak to Michelle. I am so disappointed in your testimony. We have worked together for so long to help animals, but for you to not support an animal abuse registry--and the reasons you have given, wow. Could you please explain what you mean by inadvertently decrease the prosecution of such offenses to a prosecutor?

MICHELLE VILLA-GOMEZ: I will get back to you with an answer to that. The bill was evaluated by our legal advocacy department and they made the recommendations on our position, and we agree with much of the discussion that happened that it should still be a conversation and we should look to find sort of the best way to make it happen.

COUNCIL MEMBER VALLONE: Right. Just not on our watch. I see that - - delay, do whatever we can to push it into another administration. Your second piece of testimony about why we shouldn't do this is that it overlooks the importance of addressing mental health issues seen in animal cruelty offenders.

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Really? Really? You think a list should address somehow mental health issues. Can you please explain it?

MICHELLE VILLA-GOMEZ: Again, I can get you more detail on that, but the thinking behind that is that in many animal abuse cases, it might be - - there is mental illness involved, and there might be a stigma attached to putting someone that might require some mental assistance on a list like this.

COUNCIL MEMBER VALLONE: And that outweighs the benefit of an animal abuse registry?

MICHELLE VILLA-GOMEZ: We didn't say it outweighs the benefit of an animal abuser registry. We just said that we should take a closer look at it before - - .

COUNCIL MEMBER VALLONE: I can assure you that our list will have nothing to do with mental health issues because lists don't do that, neither does the sex offender list that exist right now. And by the way, we have spoken to jurisdictions that have this in place. We have worked with other animal rights groups that run lists like the ADLF in Suffolk, and they

1  
2 overwhelmingly support this and say it works. We  
3 have done our job. We don't need studies. We  
4 don't need to push this into another  
5 administration through more studies. If you have  
6 any recommendations that we should put into this  
7 bill as an amendment, I would love to discuss them  
8 with you, but extremely disappointed in your  
9 testimony. - - know what is behind it and it is  
10 frustrating. But I do have to go, so thank you  
11 again, Madam Chair, for this important hearing.

12 CHAIRPERSON ARROYO: Brian?

13 BRIAN SHAPIRO: Thank you, Madam  
14 Chair. My name is Brian Shapiro, New York State  
15 director for the Humane Society of the United  
16 States, the nation's largest animal protection  
17 organization. I'd like to thank you for the  
18 opportunity to present the following testimony.  
19 It is always tough to follow the Mayor's Alliance  
20 and the ASPCA. They have focused on many of the  
21 issues. I don't want to repeat the overview of  
22 the conditions in puppy mills as Corey did. I  
23 think she to a T described them. They are  
24 horrible, and the conditions where the dogs come  
25 from that common New Yorkers and people in New

1  
2 York City have them, but they really have no idea  
3 of these conditions. Other states,  
4 municipalities, cities and towns retain the right  
5 to regulate puppy mills and the pet stores to meet  
6 their own community standards. Not so in New York  
7 State. The HSUS urges the Health Committee to  
8 support efforts that will allow local governments  
9 to exercise their home rule authority to regulate  
10 pet dealers. We strongly support calling on the  
11 state legislature to pass and the governor to sign  
12 A 740, S 3753 and for the city to urge the passage  
13 of this as well. On the issue of licensing the  
14 HSUS supports New York City's efforts to update  
15 and streamline its licensing regulations while at  
16 the same time boosting support for the animal  
17 population control fund. In the spirit of home  
18 rule, we recognize the right of this city to  
19 create and maintain a licensing program best  
20 suited for its own needs. It is a common theme  
21 here today. We believe that the need for a  
22 reliable revenue stream will be balanced with a  
23 push for increased compliance with licensing laws  
24 as was mentioned earlier and education outreach  
25 needed to reach these goals. We encourage the

1  
2 city to increase such compliance with licensing  
3 laws in order to protect both animals and  
4 community safety. We support effective public  
5 outreach with information and details on the new  
6 regulations which hopefully will lead to more  
7 spay, neuter of companion animals which is a goal  
8 shared by all. The HSUS supports this resolution  
9 calling for passage of A 2046, S 5048. Briefly on  
10 the issue of live release, I think that Allison  
11 did bring up a great point that the New York City  
12 Housing Authority has an important role to play  
13 here and perhaps, that is a dialogue that can  
14 begin. The animal abuse registry, the HSUS does  
15 feel that a hard look--we need to continue to have  
16 a hard look at this, and I do think that the ASPCA  
17 and Michelle did bring up some constructive  
18 criticism. Thank you, ma'am.

19 ELEANOR MOLBEGOTT: Hi my name is  
20 Eleanor Molbegott, legal counsel for the Humane  
21 Society of New York. The Humane Society of New  
22 York was founded in 1904 and operates an animal  
23 shelter, veterinary hospital and low cost  
24 veterinary spay neuter clinic as well in our city.  
25 We help 36,000 animals every year including



1  
2 animals from Animal Care and Control who need  
3 veterinary attention and a second chance. While  
4 Council Member Vallone is still here, I will jump  
5 to the part of my testimony dealing specifically  
6 with the animal abuse registry. The Humane  
7 Society of New York strongly supports Intro number  
8 933-A to create a New York City animal abuse  
9 registry and thank Council Member Vallone very  
10 much for championing this important humane  
11 legislation. This legislation could reduce the  
12 chances that animals are adopted or sold to animal  
13 abusers and will perhaps also deter animal abuse.  
14 We do have a few suggestions, which we think will  
15 make the bill even more effective. 933-A  
16 references specific animal abuse crimes; however,  
17 there are other animal abuse crimes including  
18 theft, electrocution, poisoning and 353c, 359,  
19 360, 366 are the agriculture and markets law that  
20 we believe should be considered to be included in  
21 this legislation. We are concerned that if an  
22 individual is convicted of a heinous act of animal  
23 cruelty outside of New York State, but resides in  
24 New York City such person would not be subject to  
25 the provisions of 933. There is a state bill that

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2 makes the proposed New York State registry  
3 applicable to persons who commit a violation of  
4 comparable statutes of another state. We suggest  
5 that similar language be considered. Pet shop is  
6 defined in 933-A to mean a facility required to  
7 have a permit issued pursuant to subdivision A of  
8 16109 of the health code, but since many pet  
9 stores no longer are given a permit under 16109 of  
10 the health code, but rather are given a permit  
11 pursuant to Article 26-A of the agriculture and  
12 markets law, we believe that reference needs to be  
13 included in the legislation. We noticed also in  
14 the legislative findings that it states that  
15 numerous studies have determined that there is a  
16 high correlation between animal abuse and other  
17 violent behavior and that the abusive animals  
18 often predicts other abusive behaviors and that  
19 the Council finds that an abuse registry would  
20 protect animals as well as benefit the public by  
21 creating an organized record of people who have  
22 been convicted of animal cruelty. Again, we  
23 support this concept thoroughly. However the  
24 registry under the terms of this bill is made  
25 confidential, we would suggest trying to change

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2 the language to make it available to the public so  
3 one would know whether their next door neighbor  
4 perhaps is a person who has been convicted of  
5 cruelty to animals. There is legislation also  
6 pending in Albany for an animal fighting and  
7 cruelty database, and there is language within  
8 that legislation that provides that people who  
9 have plead guilty to a charge other than animal  
10 cruelty or animal fighting, but in satisfaction of  
11 the animal cruelty or animal fighting charge or  
12 where the animal cruelty or animal fighting charge  
13 has not resulted in a dismissal on the merits that  
14 those people as well be included because  
15 unfortunately often times people are--since animal  
16 crimes are often misdemeanors when just in the  
17 plea deal process, these cases are pled down these  
18 people may not be included in the registry if they  
19 end up pleading to say disorderly conduct even  
20 though their act was harming an animal, and that  
21 is just part of the truth of the way the system  
22 works unfortunately and in a lot of cases. Also,  
23 922-A states that if a person listed on the abuse  
24 registry shall not own a companion animal, and we  
25 clearly support that, but to prevent an unintended

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2 loophole we suggest that the provision be expanded  
3 to state that a person cannot reside with someone  
4 with who has a companion animal. Otherwise we are  
5 concerned that the abuser if he resides with  
6 another person could just say that the other  
7 person is the owner, and so we think that  
8 important change also would help make the  
9 legislation even that much more effective and  
10 again we support this concept very much. Thank  
11 you. On some of the other issues that are on the  
12 agenda today, we strongly support the resolution  
13 in support of Assembly bill 740 and 73753  
14 regarding preemption. We in fact requested that  
15 this legislation be introduced many years ago  
16 after the spay, neuter provisions in the city law  
17 became moot basically when the preemption language  
18 was added so that the pet stores no longer had to  
19 comply. We understand that the bill is in the  
20 process of being revised, and we are awaiting  
21 final language. Each day there has been more and  
22 more language, and most of it fairly good. It is  
23 no longer just governing pet dealers; there has  
24 been some discussion about source and spay, neuter  
25 and so we are waiting to see that final language.

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2 Just as localities have the right to regulate dog  
3 licensing and dangerous dogs, leashing, they  
4 should have the right to regulate pet dealers.  
5 And until the preemption language was added, the  
6 city did have this authority and by having this  
7 authority, it will just allow for greater  
8 oversight, greater care of animals and so that now  
9 when the Health Department is told that there is a  
10 pet store right in the neighborhood that has an  
11 issue with animals not being cared for properly  
12 rather than just forward that to the Department of  
13 Agriculture and Markets, who frankly doesn't have  
14 many resources to deal with this or has  
15 demonstrated a great interest in dealing with this  
16 either that we will be able to make sure that the  
17 animals right in our locality are cared for  
18 properly. On the dog license legislation,  
19 Assembly Bill 2046 and Senate 504a this  
20 legislation updates the New York City dog license  
21 law and it would enable the city to increase the  
22 base dog license fee which hasn't been increased  
23 in about 40 years. it removes antiquated  
24 languages, changes penalty provisions and  
25 reinstates prior language requiring pet stores to

1  
2 sell dog licenses. We hope that if the base dog  
3 license fee is in fact increased, the extra money  
4 will be earmarked for extra funding for Animal  
5 Care and Control and not merely used to substitute  
6 existing funding or anticipated funding from the  
7 city's budget. Otherwise the license fee increase  
8 would provide no real benefit to the animal care  
9 and control program and the animals and people  
10 whom it serves. Worth noting is that the \$25.50  
11 dog license fee surcharge for unsprayed and  
12 unneutered dogs, which the City Council authorized  
13 in 2011 must be deposited in the animal population  
14 and control fund and used for spaying and  
15 neutering. There is a direct correlation between  
16 the collection of those extra fees and the  
17 increase in services. No such clear correlation  
18 between an increase in the base license fee and an  
19 increase in services is contained in the assembly  
20 and senate legislation. We suggest that there be  
21 a correlation.

22 CHAIRPERSON ARROYO: Eleanor,  
23 please wrap up.

24 ELEANOR MOLBEGOTT: I am wrapping  
25 up. Lastly on the animal population control fund,

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2 we just would also suggest that the city consider  
3 supporting Assembly 4197 to ensure that monies  
4 that are collected from New York City residents go  
5 into the New York City overpopulation fund and not  
6 the state fund. Currently the surcharges for dog  
7 licenses do go into the city animal population  
8 control fund, but if people in New York City  
9 purchase for example a pet friendly license plate.  
10 That money goes into the state fund, and that  
11 money really should go into the city fund, and  
12 this state legislation would correct not only  
13 that, but some other provisions of law that would  
14 ensure that the city gets the money it is entitled  
15 to and therefore can have a better spay, neuter  
16 overpopulation fund, and millions of dollars  
17 literally has been raised in other states for pet  
18 friendly license plates, so this has the potential  
19 to get a lot of money into New York City. Thank  
20 you.

21 CHAIRPERSON ARROYO: Thank you. I  
22 have two questions. You can answer one way or the  
23 other. The Department of Health testified 29 or  
24 so businesses that are not--fall under the  
25 permitting of the city and they are not sure - - .

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Do you know? Is 29 an accurate number or you don't know?

ELEANOR MOLBEGOTT: I would have no idea what the number is. Just that it used to be that all the pet stores fell under the Health Department's jurisdiction and in fact all of those pet stores used to sell dog licenses under the dog license law when I was at the ASPCA for many years. They would go every month, and they would get the money from these pet stores for the sale of dog licenses, but when the preemption language-

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CHAIRPERSON ARROYO: [interposing]

- -

[crosstalk]

CHAIRPERSON ARROYO: The testimony was that there are 29 businesses in the city that don't fall within the purview of the permitting requirement for the city. Is that number accurate, and do you know where they are at?

FEMALE VOICE: I don't have an exact number, but I would be willing to bet that it is considerably higher than 29. I am just thinking to--if you go onto nopetstorepuppies.com,



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we have a map on there of all of the stores in New York City that sell puppies, and those are the folks that presumably would be covered by the state law, not the city law. There are a lot more than 29 stores in the city that sell puppies.

CHAIRPERSON ARROYO: So you do know where they are at?

FEMALE VOICE: I don't know the exact number, but I think it is more. There is a list I can get to you if you would like.

CHAIRPERSON ARROYO: There is a map with dots. Okay.

BRIAN SHAPIRO: I would have to agree that it is more than 29. This speaks to perhaps out of the purview of the city, but the state itself really lacks a holistic targeted way of dealing with this, and we are seeing as the public and as responsible elected officials such as yourself and other committee members take a look at this, we are seeing that this is not being given--that there is not a straightforward process to address this, so it is affected at the state level where the Department of Ag and Markets doesn't really have a handle even on their own

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2 numbers and lacks the power to oversee these  
3 programs, and then it trickles down to the city.

4 CHAIRPERSON ARROYO: All the more  
5 reason--

6 JANE HOFFMAN: [interposing] [off  
7 mic] one thing to that, even if their number is  
8 correct, and I don't think it is, but even if it  
9 is correct, we have to understand is that even if  
10 those pet stores have permits that doesn't mean  
11 that the Health Department really oversees the  
12 care of the dogs and cats; it just means that  
13 because they have these other animals they need to  
14 have a permit, but that the regulations relating  
15 to dogs and cats is still left with the state. So  
16 it is more complex than just the number.

17 CHAIRPERSON ARROYO: On the abuse  
18 registry issue, one of the concerns that we have  
19 heard from advocates is that making it public and  
20 someone being on that list may lead to  
21 discrimination of other kinds--employment,  
22 housing, et cetera. What is your opinion about  
23 that thought? You don't have to have an opinion,  
24 but I'd like to hear it if you do.

25 BRIAN SHAPIRO: I think with any

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2 registry, I mean this is new--it was mentioned  
3 Suffolk county earlier. I frequently speak to  
4 Chief Roy Gross [phonetic] of the Suffolk Country  
5 SPCA. I think perhaps there has not been the best  
6 communication in terms of administrating the abuse  
7 registry in Suffolk County, so I do think it is  
8 very wise to take a look at where we have seen  
9 challenges in other communities. There are  
10 liabilities involved for not for profits that  
11 might oversee this. I can understand the point of  
12 the Department of Health. I really can't speak  
13 specifically to how somebody would be  
14 discriminated against. It just really that you  
15 make the point, Madam Chair, that the committee  
16 really has to take a hard look at this. So I hope  
17 that answers your question.

18 CHAIRPERSON ARROYO: Thank you all  
19 for your testimony, and as usual your incredible  
20 cooperation and input in this process, and I would  
21 imagine that you will have further opportunity to  
22 provide feedback throughout the process here.  
23 Thank you. We are going to call up the district  
24 attorneys, Diane Malone [phonetic], Kings County  
25 District Attorney's Office and I think it's

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2 Barbara Burke [phonetic] from the Brooklyn  
3 District Attorney's Office. I think you guys have  
4 been here before. So state your name for the  
5 record, speak into the mic. We are being  
6 recorded. The sergeants get kind of...

7 DIANE MALONE: Good morning, Madam  
8 Chairwoman and members of the Committee. My name  
9 is Diane Malone.

10 CHAIRPERSON ARROYO: I am not sure  
11 your mic is on.

12 DIANE MALONE: Is it working now?  
13 Okay. Good morning, Madam Chairperson, members of  
14 the Committee. My name is Diane Malone. I am a  
15 deputy district attorney in the office of Charles  
16 Hynes [phonetic], District Attorney of Kings  
17 County. With me today is Barbara Burke. She is  
18 an ADA in the same office. I want to thank the  
19 Chair and the Committee members for inviting me  
20 here today to speak on this important issue of the  
21 animal abuse registry, which is Intro number 933.  
22 As head of the district attorney's animal abuse  
23 unit in Kings County I work with dedicated humane  
24 law enforcement professionals of the ASPCA and  
25 AC&C every day to investigate and prosecute

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2 allegations of animal abuse, neglect and cruelty.  
3 Unfortunately, many people believe that criminal  
4 prosecution of animal abuse and neglect is not a  
5 good use of our limited prosecutorial and judicial  
6 resources. I know I feel the same way about them.  
7 District Attorney Hynes clearly differs, and he  
8 firmly supports the work of the animal abuse unit  
9 and the work of the local humane law enforcement  
10 officers. If people wonder why District Attorney  
11 Hynes chooses to devote scarce resources to the  
12 investigation and prosecution of crimes of  
13 violence against animals because as many opine  
14 there are far more serious cases to focus his  
15 scarce resources on other than cases of cats being  
16 set on fire and dogs being trained to fight, but  
17 this dismissive attitude towards cases is both  
18 uninformed and shortsighted. Social scientists  
19 have established that there is a link between the  
20 commission of acts of animal abuse and other  
21 violent crimes and studies performed with violent  
22 and non-violent criminal samples reveal that  
23 higher levels of behavioral aggression are found  
24 in those who have committed acts of animal cruelty  
25 during childhood and for example, as my written

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2 comments note, researchers from the Northeastern  
3 University in Massachusetts in 1997 reviewed the  
4 files of the Massachusetts Society for the  
5 Prevention of Cruelty to Animals and located the  
6 records of 153 individuals, 146 males and 7  
7 females ages between 11 and 76 years who had been  
8 prosecuted for intentional physical cruelty to  
9 animals. Intention as opposed to passive forms of  
10 cruelty such as neglect, though I want to be clear  
11 that passive neglect such as a failure to feed or  
12 to provide necessary medical care can and does can  
13 incredible pain and suffering to animals and is  
14 just as likely to result in death or serious  
15 injury as active and intentional physical cruelty.  
16 A comparison group of these 153 individuals were  
17 matched for age, gender and socio economic status,  
18 but that match comparison group had no record of  
19 cruelty to animal complaints, and these  
20 individuals were also selected from the same  
21 neighborhoods in which those who had been  
22 prosecuted for animal cruelty had resided. The  
23 state's criminal records were then reviewed for  
24 each individual in both groups, any adult arrests  
25 for violent crimes, property, drug or public order

1 offenses were noted. Researchers found that  
2 individuals prosecuted for animal abuse were more  
3 likely to have an adult arrest for each of the  
4 four crime categories than comparison group  
5 members. The differences between percentages for  
6 abusers and non-abusers were highly significant  
7 for all four types of offenses. 70 percent of all  
8 animal abusers had committed at least one other  
9 crime and 40 percent had committed violent crimes  
10 against human victims. The study also determined  
11 that a history of animal abuse was found in 25  
12 percent of male criminals, 30 percent of convicted  
13 child molesters, 36 percent of domestic violence  
14 cases, 48 percent of convicted rapists and 46  
15 percent of homicide cases. These results make it  
16 clear that animal abusers are not only dangerous  
17 to their animal victims, but may also jeopardize  
18 human welfare. The link between animal abuse and  
19 anti-social behavior towards humans has also been  
20 recognized by mental health professionals. The  
21 American Psychiatric Association's diagnostic and  
22 statistical manual of mental disorders, Edition 5,  
23 the diagnosis handbook commonly uses by  
24 psychologists and therapists for diagnosis of  
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1  
2 mental health issues defines animal abuse by  
3 adolescents and teenagers as a common symptom of  
4 the spectrum of maladaptive behavior known as  
5 conduct disorder. Conduct disorder is a  
6 psychological condition diagnosed through a  
7 prolonged pattern of anti-social behavior, such as  
8 serious violations of law and social norms and  
9 rules including intentional acts of animal abuse.  
10 A 1998 study by researchers Lober [phonetic],  
11 Farrington [phonetic] and - - uncovered an overlap  
12 between the symptoms of conduct disorder and  
13 behaviors used to characterize serious violent  
14 juvenile offenders. Medical health professionals  
15 recommend that children diagnosed with conduct  
16 disorders receive appropriate mental health  
17 treatment as untreated they are at a higher risk  
18 for incarceration both as a juvenile and an adult.  
19 Additionally, the Humane Society of the United  
20 States first strike campaign, which performed an  
21 annual review of reported criminal cases  
22 nationwide beginning in 2000 found that seven  
23 percent of animal cruelty cases it reviewed also  
24 involved child abuse. The perpetrators either  
25 abused the children or forced them to witness the



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2 cruelty to animals. Additionally, 13 percent of  
3 the animal cruelty cases involve domestic abuse  
4 and 1 percent of cruelty cases involved elder  
5 abuse. Anecdotally, I will share with the  
6 committee that District Attorney Hynes' domestic  
7 violence and crimes against children bureaus  
8 commonly confront cases where the abuser not only  
9 abuses children and intimate partners, but abuses  
10 and kills their pets whether it is a goldfish, a  
11 hamster, or other companion animal as a means of  
12 revenge or control. As was recently reported in  
13 the press, the Mayor's Alliance for Animals has  
14 established an animal foster care program designed  
15 to provide a system of fosters for companion  
16 animals owned by victims of domestic violence and  
17 the district attorney applauds those efforts.  
18 These victims are sometimes reluctant to enter  
19 into a shelter or otherwise leave the abuser for  
20 fear that their beloved pets will be left behind  
21 and become the target of the abuser in their  
22 absence. It is for those reasons that the  
23 district attorney established and supports the  
24 animal abuse unit and believes that stronger law  
25 enforcement response to acts of abuse against

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2 animals should be undertaken and for these reasons  
3 he supports the goal of the animal abuse registry;  
4 however, I do have some reservations concerning  
5 some of the legislation's provisions. As this  
6 committee may be aware the New York State District  
7 Attorneys Association is supporting proposed  
8 legislation designed to revamp New York State's  
9 existing animal abuse laws, which are currently  
10 located within the state's agricultural and market  
11 law section and will place those statutes within  
12 the penal law, so just as a comment of this should  
13 occur then Section 17501 the - - section of the  
14 proposed legislation will need to be amended to  
15 track the new language of the statutes. My next  
16 concern is Section 17505 and 17507b. As written  
17 those sections seem to impose strict liability on  
18 animal shelter employees and volunteers who  
19 exchange or transfer ownership of an animal to a  
20 registered abuser. While I agree that a convicted  
21 animal abuser should never be allowed near another  
22 animal, it is my opinion that this section may  
23 have a chilling effect on shelter operations,  
24 adoptions and placements. Many if not most  
25 shelters rely on volunteers to assist them with

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2 fundamental operations, including adoption  
3 processing. To expose unpaid volunteers to  
4 potential criminal prosecution for inadvertent  
5 mistakes seems to me as a prosecutor to be unfair  
6 and antithetical to the practical needs of shelter  
7 operations. As an aside, and it is not in my  
8 comments, but I was thinking of this coming over,  
9 another concern is that 17501d requires  
10 registration of an abuser, but my question is how  
11 will the information in the registry be updated in  
12 the event that the defendant receives cases sealed  
13 or if he or she receives a release from civil  
14 disabilities? So that would affect the  
15 information in the registry. It may affect the  
16 information in the registry and it may be  
17 something that the City Council would like to  
18 explore further. Finally, I would urge this  
19 committee to consider adding to the legislative  
20 language the language found in the model statute  
21 on offender registration and community  
22 notification promulgated by the Animal Legal  
23 Defense Fund. In addition to prohibiting  
24 ownership of an animal after conviction, the model  
25 statute incorporates a more stringent prohibition

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2 against a convicted abuser residing with or having  
3 contact or custody of any animals after conviction  
4 of an animal abuse crime, and expands the  
5 definition. I would also urge the Council to  
6 expand the definition of registrant to include  
7 businesses and corporations. I can assure the  
8 members of this committee that individuals who  
9 have been convicted of animal abuse do not stop  
10 having contact with animals as a result of their  
11 conviction, even if there is a prohibition against  
12 such conduct issued by the courts. I have a  
13 pending matter where a defendant convicted in 2011  
14 of 69 counts of animal abuse under the agriculture  
15 markets law, Section 353 for housing 69 cats in a  
16 U-Haul trailer on a Brooklyn street corner for a  
17 week while he was between apartments was recently  
18 found by the courts to be in violation of the  
19 court's order forbidding him to have care, custody  
20 or ownership of any animal pending appeal of his  
21 conviction, and in fact, he admitted at the  
22 hearing that he acquired additional cats during  
23 the - - of his criminal matter prior to his  
24 conviction. His defense was that his animal  
25 rescue operation was being duly incorporated,

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2 owned and possessed the animals and he was merely  
3 an employee of the corporation; thus, he did not  
4 have legal custody, care or control. The courts  
5 disagreed in that case, but by restricting the  
6 legislative definition of registrant in Section  
7 171504 solely to person, there will be unnecessary  
8 litigation as to whether the Council intended  
9 corporations and businesses to be included within  
10 the ambit of this legislation. Additionally, by  
11 restricting the prohibition only to acquiring  
12 ownership or transfer, abusive individuals are  
13 permitted to continue to be in close intimate  
14 contact with animals if family members or  
15 household members own or acquire pets. I would  
16 again thank the Chair and the members of this  
17 Committee for this opportunity to comment on this  
18 pending legislation, and I thank all of you. Are  
19 there any questions?

20 CHAIRPERSON ARROYO: Okay. First,  
21 thank you for your thoughtful testimony and the  
22 helpful suggestions. I do believe though that you  
23 have an earlier version of this legislation.  
24 There has been a modification to deal with the  
25 language regarding volunteers and employees, so

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2 just to make sure that you have the most updated  
3 version, you might want to revisit that part of  
4 your testimony and concern.

5 DIANE MALONE: Thank you. I stand  
6 corrected if that is the case.

7 CHAIRPERSON ARROYO: Thank you very  
8 much for your testimony. The larger question, the  
9 issue of DOH being the entity responsible for  
10 enforcement, do you have an opinion about where  
11 that responsibility would rest?

12 DIANE MALONE: Yes, I do. I don't  
13 know where it would be the Department of Health  
14 would be the best. It may be the criminal justice  
15 coordinator's office. It might be the more  
16 appropriate place for it. As a prosecutor I was  
17 reading the registry and I was trying to figure  
18 out how it would be more efficient to get the  
19 information from the court to the registry whether  
20 it would be through the Department of Probation  
21 that would advise the registry rather than making  
22 it...

23 CHAIRPERSON ARROYO: There are two  
24 points to this. One is the registry itself and  
25 how a name gets on it, but also the enforcement

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of--if you are found in violation of the law.

DIANE MALONE: I think that how the name gets on the registry is perhaps an issue that we need to explore to make it more efficient and more precise because I don't believe that a criminal defendant who has been convicted is going to voluntarily go to register, and so then who is going to ensure that if he doesn't register that he is brought back to the court or to some administrative tribunal to answer for that? I am not quite sure. I am very happy to work with the Council and with the Committee on that particular issue, but I think that with some of the registries that we have, the information is given to them directly through the Department of Probation or through the Department of Corrections when the person is released.

CHAIRPERSON ARROYO: I think in that regard, we are going to reach out, and have further conversation on the details or how to establish the details of how one gets on the registry, whether volunteer or is the best approach for us to ensure that we have as complete a registry as possible and the details of the

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2 jurisdiction where it should fall and what city  
3 agency. So everyone that comes here leaves with a  
4 warning. You come here with a suggestion, you get  
5 ready to work to help us figure out how to get it  
6 done. I look forward to that process, and thank  
7 you for being here with us today.

8 DIANE MALONE: Thank you, Madam  
9 Chairwoman.

10 CHAIRPERSON ARROYO: Our next panel  
11 we have Emily McCoy [phonetic], People for the  
12 Ethical Treatment of Animals, PETA, Esther Koslow  
13 [phonetic], Shelter Reform Action Committee, Allie  
14 Feldman [phonetic], NYC CLASS [phonetic].  
15 Welcome. As they settle in, the next panel will  
16 be Roxanne Delgado [phonetic], Denise Diaz  
17 [phonetic] and Chris Green [phonetic], if you can  
18 prepare. When the panel here concludes, you come  
19 right up. Okay. Identify yourself for the  
20 record, speak into the mic, and begin when you are  
21 ready and in whatever order you choose.

22 EMILY MCCOY: My name is Emily  
23 McCoy. I am representing the cruelty  
24 investigations department for People for the  
25 Ethical Treatment of Animals. Good morning,



1  
2 honorable committee members. People for the  
3 Ethical Treatment of Animals is the world's  
4 largest animal rights organization with more than  
5 three million members and supporters worldwide  
6 many of whom are proud residents of New York.  
7 Thank you for the opportunity to share our  
8 position on three pieces of legislation relating  
9 to the regulation of the marketplace for companion  
10 animals and to alert committee members to the  
11 dangers of pressuring animal shelters to increase  
12 live outcomes rather than concentrating on  
13 accommodating the totality of animals needing  
14 refuge in the community in the first place. We  
15 support legislation to reduce dog and cat breeding  
16 at the time when millions of companion animals in  
17 the U.S. must be euthanized because there are no  
18 homes for them and we share this city's support of  
19 State Assembly Bill 2046, Senate Bill 5048,  
20 legislation that would amend current laws relating  
21 to animal control, the animal population control  
22 fund and licensing of animals in New York City.  
23 We also strongly support Assembly Bill 740/Senate  
24 Bill 3753, which allows municipalities to regulate  
25 pet dealers. PETA also supports proposed

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2 Introduction number 933-A, which would amend the  
3 administrative code of the city of New York in  
4 relation to creating an animal abuse registry and  
5 we recommend restoring penalties for animal  
6 adoption agencies and individuals who fail to  
7 consult the registry before releasing any animal.  
8 We cannot warn the committee strongly enough about  
9 the dangers of pressuring animal shelters to  
10 increase live outcomes. The true measure of  
11 success in addressing the homeless animal  
12 population in a community is a reduction in the  
13 number of animals needing refuge at the front  
14 door, not a policy of releasing them to anyone who  
15 will take them out the back door. On a daily  
16 basis, our office receives reports of troubling  
17 policies implemented at animal shelters pressured  
18 to lower their euthanasia numbers by individuals  
19 and groups unfamiliar with the inner workings of  
20 the animal care and control facilities or the  
21 daily challenges and heartbreaks that shelter  
22 workers face. These policies are not in the  
23 animals' best interest and compel shelters to turn  
24 away stray and unwanted animals and stop field  
25 workers when shelters' cages are full, warehouse

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2 animals often several to a cage or kennel designed  
3 for temporary housing of one, which results in  
4 widespread disease transmission and decline in  
5 animal health and adoptability, keep animals in  
6 makeshift enclosures and regular cages and kennels  
7 are full and more. The New York Animal Care and  
8 Control has already reduced standards of care and  
9 disposition in response to pressure from increased  
10 live outcomes to the animals' peril. AC&C bowing  
11 to pressures from no kill opponents transferred  
12 hundreds of animals to a horrible facility  
13 inappropriately named Angel's Gate, a self-  
14 proclaimed hospice and rehabilitation center. A  
15 public records request revealed that 160 animals  
16 were transferred to the facility in a relatively  
17 short period. From January 2008 to February 2011,  
18 many of these animals were gravely injured or ill  
19 or had been surrendered to AC&C by guardians  
20 specifically for the purpose of humane euthanasia  
21 because of age, health, temperament or other  
22 legitimate reasons. One of the animals  
23 transferred to Angel's Gate through AC&C's new  
24 hope program was a Yorkshire terrier mix named  
25 Sexy who was surrendered to AC&C specifically for

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2 euthanasia because his guardian knew he was  
3 suffering from old age and cancer. Sexy was  
4 missing his entire lower jaw and had cataracts,  
5 yet he was transferred to Angel's Gate instead of  
6 being given relief. Another was Bailey, an  
7 injured toy poodle, who could not use his hind  
8 legs, and whose records indicate he was also  
9 suffering from severe pain and could not urinate  
10 or defecate, yet he was also denied a peaceful end  
11 and was instead sent to Angel's Gate. An  
12 undercover investigation conducted by PETA at  
13 Angel's Gate found a chaotic warehouse in which  
14 animals, many of whose conditions required  
15 specialized, individualized around the clock care  
16 were deprived of basic necessities and even the  
17 minimum quality of life. After seeing how  
18 Malcolm, a thin elderly Chihuahua who was sent to  
19 Angel's Gate from AC&C and left after being saved  
20 from death row his rescuer said, there are fates  
21 worse than dying at the ACC. Malcolm should have  
22 been euthanized at AC&C, but because of pressure  
23 to increase live outcomes he was marked as a  
24 transfer through the new hope program. He  
25 suffered a fate far worse than the painless

1 departure from a world that has betrayed him.  
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3 Angel's Gate was shut down and its owner charged  
4 with cruelty to animals because of PETA's  
5 investigation, but not before thousands of animals  
6 suffered behind its treacherous doors. Countless  
7 other so called rescues operate unregulated cruel  
8 warehouses for animals and/or give animals to  
9 anyone willing to take them for room for more.  
10 This is not the answer to the animal  
11 overpopulation crisis. No one hates the ugly  
12 reality of euthanasia more than the people who  
13 perform it. Shelters don't have a magic wand;  
14 however, the humane alternatives are far and few  
15 between. The only answer is to stop the flow from  
16 animals at its source in the community where  
17 citizens and businesses recklessly breed, sell and  
18 give away un spayed and unneutered animals for  
19 profit or simply out of ignorance or apathy.  
20 Positive steps to reduce the number of animals who  
21 are cast off or carelessly bred can be taken and  
22 PETA stands ready to assist the city with sample  
23 legislation and creation of innovative plans and  
24 programs to help. We thank each Council Member  
25 for the time and consideration given to the lives

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of animals and residents of New York. Thank you.

ESTHER KOSLOW: Good afternoon. My name is Esther Koslow, and I represent Shelter Reform Action Committee. I didn't have any prepared statements because I wanted to hear what the other witnesses had to say in particular the representatives of the Department of Health, and the reason why we are here today is because of your committee's oversight over the Department of Health and the historical quirk and the long lived history mayoral decisions to have the Department of Health in control of Animal Care and Control. The Department of Health has always been a poor choice to have anything to do with the care of animals, and it is not because they are mean people. It is because they are a bureaucracy that has no mandate to ensure the care of animals. They have no incentive to ensure proper conditions at the AC&C. Every week there are Department of Health inspectors who go into the shelters and there has never been an adverse condition they have seen that they couldn't ignore. They also have been in control of licensing I guess ever since 1995 when it was taken away from the ASPCA

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when the ASPCA stopped being in control of dog licensing, and dog licensing has plummeted.

CHAIRPERSON ARROYO: Esther, you said you didn't have prepared statements?

ESTHER KOSLOW: No, I didn't. No. No.

CHAIRPERSON ARROYO: Do you have copies?

ESTHER KOSLOW: Yeah.

CHAIRPERSON ARROYO: I am sorry, Esther.

ESTHER KOSLOW: That is okay. The DOH has historically said there is a 20 percent compliance of dog licensing and ASPCA has disputed that for years. It is far far less. I don't know if you will remember three years ago when the surcharge on unfixed dogs was increased to 34 dollars. Mr. Kass testified about his unease with that increase because he thought compliance would drop because it was so high, the surcharge. Compliance has dropped, but it has nothing to do with the price of the surcharge. It is because there is no incentive or interest in the Department of Health in allocating resources to

1  
2 get compliance up. there is also a lack of  
3 imagination, and I was hoping we would discuss  
4 today real incentives that--by the way an  
5 extraordinary shelter manager named Bill Bruce  
6 [phonetic] came to New York and talked to the DOH  
7 about, which was give value for licensing to  
8 people who license their pets. Get stores and  
9 chains and movie theaters, grocery stores,  
10 restaurants to all offer coupons for anyone  
11 bearing a one year card showing that they have a  
12 licensed dog or a cat if they want, and within a  
13 week or two the owner can make back the money they  
14 paid for the license. There is real value. But  
15 we have never done that here, and there doesn't  
16 seem to be any interest to do that. It is not  
17 just the incentive of getting pet shops and vets  
18 to issue the license, but it is to get the people  
19 to actually want to license their dogs. We talked  
20 about funding, and I know that other people today,  
21 the HS of New York said we have to make sure that  
22 any additional funds that come from licensing  
23 aren't offset by the Department of Health to just  
24 against the monies they have promised the AC&C.  
25 it actually should be extra monies going to the



1  
2 AC&C, what the real problem is is that the  
3 Department of Health shouldn't be in charge of  
4 licensing. What you should do is you should have  
5 a shelter system that is in charge of licensing  
6 and has a real incentive to make sure that  
7 licensing goes up and that they get the money.  
8 Now maybe if you have an extraordinary licensing  
9 system you might not be able to do what Calgary  
10 did, which it pays for all of its shelter services  
11 simply through licensing, it also licenses cats,  
12 but at least you would know that the money is  
13 going to the right place for the right reason and  
14 we don't have this here. Nobody has done an  
15 audit by the way of the DOH and their  
16 administrative costs in administering now the  
17 animal population control fund. I don't know the  
18 administrative costs involved with licensing. Mr.  
19 Kass has said that the \$8.50 fee for fixed dogs  
20 doesn't come near to covering their costs.  
21 Granted licensing fees should be increased and you  
22 can do that, but as long as you give benefits to  
23 people they will pay for that licensing increase,  
24 but you are never going to have any positive  
25 effect as long as the Department of Health is in

1  
2 charge. I have to agree with Council Member  
3 Vallone that the DOH's history has always been a  
4 disinterest in animal care and that is a  
5 bureaucratic reason. It is because there should  
6 be a Department of Animal Care and the Department  
7 of Health shouldn't be in control. The AC&C needs  
8 a lot more funding than what has been promised  
9 under Local Law 59. At the last hearing in April  
10 both the ASPCA and the Mayor's Alliance made that  
11 clear that whereas the funding was sorely needed  
12 that Local Law 59 gave to the AC&C, it is hardly  
13 enough, but the AC&C cannot go out and really do  
14 the fundraising it needs because people are not  
15 going to give money to a shelter system that is  
16 controlled by the city. That is what taxes are  
17 for. What you need is an independent shelter  
18 system that is run by extraordinary and committed  
19 people. Finally, I know that one of the subjects  
20 today was live outcomes. I'd like to talk just  
21 briefly about sick outcomes because that was not  
22 touched upon by the DOH or the AC&C  
23 representatives. You have still a shelter system  
24 where almost 100 percent of the animals will get  
25 sick from a disease they contract at the AC&C.

1  
2 Sometimes the diseases are just a mild cold and  
3 sometimes they will kill the animal, but those  
4 diseases will go out with the animals into the  
5 general public - - adoptions are supposed to be--  
6 public adoptions are now being emphasized. We  
7 have a Department of Health that disregards that  
8 fact. One anecdote, three years ago Petsmart  
9 agreed to provide space and care for cats that  
10 came directly from the AC&C. They would adopt  
11 them out to the public. Petsmart--no good deed  
12 goes unpunished because Petsmart was fined  
13 continuously by the Department of Health, which  
14 went into that pet store and said you have sick  
15 cats here. We are going to fine you, and some of  
16 the cats died. They were sick because they came  
17 directly from the AC&C. they might not have been  
18 sick or seemed to be sick when they arrived at  
19 Petsmart, but they did succumb to illness and  
20 Petsmart broke off that relationship with the  
21 AC&C. it has been three years later, the AC&C  
22 does not have a handle on disease. I didn't hear  
23 a word about a medical director. You had asked at  
24 the last hearing when is that medical director  
25 coming up. I understand there is a new ad in an

1  
2 online publication for the medical director  
3 position. That is still something we need to talk  
4 about. Thank you.

5 ALLIE FELDMAN: Hi. My name is  
6 Allie Feldman and I represent NYC CLASS. We are a  
7 non-profit animal welfare and advocacy  
8 organization founded in 2008 by a coalition of New  
9 York City animal lovers and business leaders to  
10 find pragmatic solutions to animal issues in our  
11 city. We have over 110 supported and activist  
12 chapters in all five boroughs. First I want to  
13 thank Council Member Arroyo and the members of the  
14 Committee for holding this hearing. Thank you for  
15 giving animals in our city a paw at the table in  
16 City Hall. It is much more than I can say for  
17 Speaker Quinn. Current state law preempts  
18 municipalities from enacting any regulations to  
19 address the source of animals that pet stores  
20 receive and we support the resolution in support  
21 of the state bill that would crack down on puppy  
22 mills. Numerous municipalities in New York State  
23 report that they would love to love the puppy  
24 mills out of their towns, but they are powerless  
25 to do so without this legislation. An

1  
2 investigation from the Humane Society of the  
3 United States found that nearly all puppies for  
4 sale in New York City pet stores were bred at  
5 puppy mills. No responsible breeder would ever  
6 sell a litter of puppies to a pet store when they  
7 can be simply sold to the highest bidder, and many  
8 of these animals are eventually dumped at city  
9 shelters which are already overburdened due to the  
10 current administration's severe lack of funding.  
11 We appreciate that the Council is drawing  
12 attention to this important legislation and  
13 strongly encourage that the resolution be adopted.  
14 Over 2,000 of our members have already sent  
15 letters of support to their state legislators. We  
16 also support Council Member Arroyo's resolution  
17 calling on the New York State Legislature and the  
18 governor to sign A 2046 and S 5048, which would  
19 amend current laws relating to animal control, the  
20 animal population fund, and the licensing of  
21 animals in New York City requiring among other  
22 things the license fee for unsterilized dogs be 85  
23 percent greater than the base fee. While we  
24 believe that every animal should be required to be  
25 sterilized, we agree that this legislation is a

1  
2 step in the right direction. If I were a mama  
3 dog, I'd want to make sure that my litter was  
4 certainly sterilized so that they would never end  
5 up at the underfunded New York City shelter  
6 system. We also want to say that although the  
7 situation for animal care and control has improved  
8 we believe that the agency is still woefully  
9 underfunded. Every borough deserves at least one  
10 full service animal shelter, yet the Bronx and  
11 Queens still are without them. A first class city  
12 like New York deserves a first class shelter in  
13 every single borough. That said, A 2046/ S 5048  
14 would provide some additional revenue for AC&C to  
15 carry out its mission. We support this resolution  
16 and call upon the Council to pass it. We also  
17 support the concept of an animal abuser registry  
18 and we encourage all parties to work together to  
19 tweak that bill and find a solution that works for  
20 all. Finally, I just want to say that I am glad  
21 that we are having this hearing today, but I only  
22 wish that there were more hearings like this where  
23 we could hearing animal protection legislation,  
24 which we didn't hear very much during Speaker  
25 Quinn's eight years of speakership. One has to

1  
2 wonder if Speaker Quinn allowed this hearing to  
3 happen to cover her abhorrent record on animal  
4 protection three months before the mayoral  
5 primary. Regardless, thank you very much, Council  
6 Member Arroyo, for having us and for allowing  
7 these three pieces of legislation to be heard.

8 CHAIRPERSON ARROYO: Any comment on  
9 the issue of jurisdiction and responsibility on  
10 the animal abuse registry? You don't have to.

11 ALLIE FELDMAN: We are in support  
12 of it.

13 CHAIRPERSON ARROYO: The thought of  
14 where it should rest in terms of who would be  
15 responsible for management and enforcement.

16 ESTHER KOSLOW: I always feel that  
17 the Department of Health should have nothing to do  
18 or as little to do with animal care as possible,  
19 so placing any jurisdiction within them for that  
20 would be foolhardy. I agree with Mr. Hynes'  
21 office.

22 CHAIRPERSON ARROYO: Thank you.  
23 Roxanne Delgado, Denise Diaz, Chris Green  
24 [phonetic]. I think we lost Denise. Okay. Sit  
25 closer to the mic--we are being recorded--so the

1  
2 sound can be picked up. Okay. You may begin when  
3 you are ready. Identify yourself for the record  
4 when you speak.

5 ROXANNE DELGADO: Roxanne Delgado.  
6 I live in Pelham Parkway South in the Bronx in Mr.  
7 James Vacca's district. I'd just like to say  
8 first, Ms. Arroyo, I think you impress me because  
9 you are smart and compassionate. I have been in  
10 this movement forever, and I only meet smart  
11 people who have no compassion or people who do  
12 have compassion, but not so smart. You are like  
13 one of the rare gems, so thank you for caring and  
14 for being intelligent. But to state it shortly, I  
15 live in the Bronx, and - - Facebook, and I see  
16 pictures, images from all around the world, people  
17 shocked by the cruelty in Asia, in parts of  
18 Russia, but I have seen these images in the Bronx.  
19 I grew up in the Bronx in many areas--in the south  
20 Bronx, I grew up in Fordham, I grew up in Morris  
21 Park, Arthur Avenue [phonetic], and it is because  
22 there is no stigma against animal abuse in the  
23 city. The fact that we don't have a Bronx shelter  
24 says that animals are disposable like trash. It  
25 is not the people; it is the government that it is



1  
2 sanctioning. It is the lack of legislation and  
3 lack of education and the fact that I think a  
4 registry is important. I don't have the  
5 background or the legal background to say how it  
6 should be done, but we need that to have that  
7 stigma. It is not a mental health issue like the  
8 ASPCA said, it's a perversion just like  
9 pedophiles. It's a perversion to do something to  
10 someone that is innocent that does no harm. It's  
11 really a very sick--there is something wrong with  
12 that person to commit such a crime. I am far from  
13 perfect, but there is some things that we people  
14 don't do and what they do to these poor animals,  
15 and I have seen them even as a child, it scars  
16 you. This is why I am here. I would never be  
17 here if I didn't see these things as ii grew up.  
18 so I beg you to please get a registry done. I  
19 don't know how, but have it don because then it  
20 has that stigma so people realize that animal  
21 cruelty is a perversion and should not be  
22 sanctioned. People should be treated differently  
23 for committing such a perversion. Why should I  
24 have sympathy like the ASPCA, which has received  
25 so much money, but their concern is people that

1  
2 have mental health issues. That is not their  
3 domain. It is ridiculous that they would be more  
4 concerned about mental health people, which I have  
5 compassion for, but their job is to advocate for  
6 animals. It is a shame that I have to be here to  
7 do so because the ASPCA refuses to their job. I  
8 have called them so many times. They never  
9 respond to my complaints. They don't care for the  
10 horses. They don't care for the animals in the  
11 Bronx. They just keep getting money, money,  
12 money, so that is why I am here. I hope you help  
13 them.

14 CHAIRPERSON ARROYO: It is not  
15 unfortunate that you are here. It is very  
16 fortunate that you are here. Your opinion is very  
17 important, and we value the information we get  
18 from public testimony, so thank you, Roxanne.

19 ROXANNE DELGADO: Thank you.

20 CHRIS GREEN: Hi. My name is Chris  
21 Green. I am the director of legislative affairs  
22 for the Animal Legal Defense Fund. I spent many  
23 years in New York City. I am licensed in the  
24 state. I am a former member of the New York City  
25 Bar's animal law committee. I am very happy for

1  
2 the shortened name, and I am a founding vice chair  
3 of the American Bar Association's animal law  
4 committee as well. I am here today to  
5 wholeheartedly endorse and support proposed Intro  
6 number 933-A, which as you know would establish a  
7 citywide animal abuse registry. The purpose of  
8 this vital measure is to stop convicted animal  
9 abusers from purchasing or adopting any further  
10 animals from pet shops, shelters and rescue  
11 organizations. Currently no mechanism whatsoever  
12 exists to prevent a convicted animal abuser from  
13 simply waltzing in to one of these establishments  
14 and then walking right back out with another  
15 defenseless animal they torture, sexually abuse or  
16 kill. As you may know, Suffolk, Rockland and  
17 Albany counties already have established animal  
18 abuse registries and similar bills are being  
19 considered in several states across the nation.  
20 In fact over 30 states now allow courts to ban  
21 convicted animal abusers from owning or even  
22 coming into contact with companion animals, nearly  
23 double the number of a decade ago; however, the  
24 problem has always been one of enforcement of  
25 having the necessary tools to adequately monitor

1  
2 those court ordered prohibitions. Intro 933-A  
3 would immediately stop repeat victimization right  
4 at the source by allowing shelters and pet shops  
5 to quickly consult the city's do not adopt  
6 database and instantly determine whether someone  
7 is legally allowed to own a companion animal or  
8 not. Regarding ASPCA's testimony, I don't really  
9 view it as a zero sum game here. Saying that we  
10 don't need this, we need tougher prosecution laws,  
11 we have good laws, again, the problem often is  
12 enforcement, and this is a perfect tool to nip it  
13 in the bud and stop it right when it happens  
14 rather than okay, someone is not allowed to have  
15 an animal, but how do you keep track of whether  
16 they acquire one or not. As ADA Malone mentioned  
17 in addition to the obvious societal benefit of  
18 curbing future harm to helpless animals volumes of  
19 scientific evidence have verified direct  
20 relationship between the criminal abuse of animals  
21 and subsequent violence against women, children  
22 and the elderly. For this very reason, animal  
23 abuse is one of four primary indicators that FBI  
24 profilers use to assess future violent behavior.  
25 Indeed one 20 year study confirmed that convicted

1  
2 animal abusers are five times more likely to be  
3 arrested for committing violent crimes against  
4 humans. Another analysis found that in homes  
5 where children were physically abused, 88 percent  
6 of the time, the family dog or cat also had been  
7 harmed and women abused by their domestic partners  
8 are ten times more likely to report that that  
9 partner also hurt or killed one of their beloved  
10 pets. Given this profound correlation of criminal  
11 conduct, New York's animal abuse registry would  
12 provide an effective new tool for authorities to  
13 keep track of violent offenders and help protect  
14 the city's other vulnerable populations from harm.  
15 Lastly although it may seem crass to put a price  
16 tag on victimization, countless examples exist to  
17 show that by preventing future instances of animal  
18 abuse the city of New York actually can save  
19 valuable resources it otherwise would spend  
20 investigating and prosecuting those crimes and on  
21 caring for animals who need to be removed from  
22 abusive environments. For instance, in just one  
23 recent Ohio hoarding case, the price tag for  
24 rescuing and treating the 170 animals removed from  
25 a single home was over 1.2 million dollars. And

1  
2 when one considered that 80 percent of animal  
3 hoarders are likely to repeat their behavior  
4 anything a municipality can do to identify  
5 hoarders within their borders only makes sounds  
6 fiscal sense and strong social policy. Again as  
7 ADA Malone pointed out, you have got a guy here  
8 who is still going through the system for his  
9 animal hoarding case, and he has already picked up  
10 more animals and he is found on a street corner  
11 with dozens more animals, so this needs to be  
12 nipped in the bud. But to that end, my  
13 organization, the Animal Legal Defense Fund is  
14 today willing to pledge up to 10,000 dollars  
15 towards the cost of creating the animal abuse  
16 registry in New York City, and it should be noted  
17 that Suffolk County was able to create their  
18 animal abuse registry with absolutely not one cent  
19 of taxpayer dollars. Without a doubt almost  
20 everyone would win from implementing an animal  
21 abuse registry in the city of New York; a) the  
22 shelters who would have a better tool that assure  
23 that their animals are going to going homes; b)  
24 the animals who will be protected from future  
25 suffering at the hands of repeat offenders and c)

1  
2 law enforcement who will have fewer animal abuse  
3 cases to devote tight resources to pursuing while  
4 also getting a new means by which to keep other  
5 citizens safe. While no magic bullet exists that  
6 will end all future animal abuse and no measure is  
7 going to be perfectly inclusive, we owe it to  
8 ourselves, our animals and our communities to at  
9 least make it as hard as possible for convicted  
10 animal abusers to seek out new victims within  
11 these five boroughs. So on behalf of my  
12 organization's many New York supporters who feel  
13 passionately about this issue, I ask that you  
14 seriously consider the crucial need for this  
15 essential measure and vote to pass proposed Intro  
16 number 933-A. Thank you for your time.

17 CHAIRPERSON ARROYO: Thank you, and  
18 thank you for waiting. That is the last panel,  
19 and it concludes the hearing, and I guess we will  
20 be touch on some follow up questions and just  
21 seeking input and assistance in trying to--on the  
22 state bills just make sure that the state  
23 representatives hear from their constituents that  
24 this is important to pass and for the governor to  
25 sign, and on 933-A it looks like we have a little

1  
2 bit of work to do before we can move forward on  
3 this, but I look forward to the ongoing  
4 conversation and hope that everyone will  
5 participate in that process. With that--yes?

6 CHRIS GREEN: Can I add that ALF  
7 also supports both the other state measures as  
8 well?

9 CHAIRPERSON ARROYO: Yes. Good.  
10 Okay. With that, this hearing is adjourned.

11 [gavel]



C E R T I F I C A T E

I, Kimberley Campbell 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

Kimberley Campbell

Date 7/8/13