



NEW YORK
CITY BAR

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**REPORT ON LEGISLATION BY THE
COMMITTEE ON LEGAL ISSUES PERTAINING TO ANIMALS**

New York City Introduction No. 86-2010

Sponsor: Mark-Viverito

A Local Law to amend the administrative code of the city of New York, in relation to replacing horse drawn carriages with alternative fuel powered classic cars and repealing sections 20-377, 20-377.1, 20-380, 20-381, 20-381.1, 20-382 and 20-383(b-d) of such code.

THIS LEGISLATION IS APPROVED

Introduction No. 86-2010 (“Intro. 86”) would amend the Administrative Code of the City of New York (“Ad Code”) to gradually reduce the number of licenses issued for horse-drawn carriages so that all licenses will be eliminated or expired by May 31, 2012. Intro. 86 adds a new subchapter 33 of chapter 2 of Title 20 of the Ad Code to provide a new licensing program for environmentally friendly antique-replica show cars. Preference for show car licenses will be granted to persons in possession of a valid horse-drawn carriage license.

We approve Intro. 86 because it will prohibit carriage horses in New York City by June 1, 2012. For years, the New York City Bar has advocated for an outright ban of carriage horse rides due to the dangerous and harsh conditions inherent in operating carriages in congested New York City streets and keeping horses in a crowded urban environment.¹ Although some minor reforms have been proposed, such as those in Introduction 35-2010, they do not significantly improve the lives of the horses. Carriage horses would still be required to work long hours in busy and dangerous streets and live in substandard stables that are less than half the size required for voluntary certification by the New York State Department of Agriculture and Markets’ Horse Health Assurance Program (“NYSHHAP”).² Moreover, the proposed reforms do not provide horses with regular turnout time in a pasture or paddock, an activity that the NYSHHAP Standards assume will be provided.

There is a concern that the elimination of carriage horse rides, while in the best interest of animals, would eliminate the horse carriage owners’ and drivers’ source of income. The proposed legislation would address that concern by giving horse-carriage cab licensees priority in applying for “show car” licenses under a new licensing program and providing a new source of employment.

¹ Our reports and testimony concerning the regulation of carriage horses in New York City are available on the New York City Bar Web site at http://www.nycbar.org/pdf/report/Carriage%20Horses%20Ban%201_3.pdf; <http://www.nycbar.org/pdf/report/Comment653a.pdf>; <http://www.nycbar.org/pdf/report/TestimonyCarriageBill.pdf>.

² The New York City Police Department’s Mounted Units are certified by NYSHHAP.

In addition to addressing our concerns about the welfare of carriage horses, this legislation also benefits the public in several ways. The Department of Health and ASPCA will no longer be required to devote scarce resources to regulating the horse-carriage industry. Taxpayers will no longer have to fund the provision of water to the horses.³ Health and quality of life concerns relating to horse manure and urine⁴—on average 45 pounds are produced per horse per day—⁵ will be eliminated. And tourists will be able to participate in an exciting new environmentally friendly attraction.

For these reasons, we approve Introduction No. 86-2010. We note that Introduction No. 92-2010 includes specific provisions for the humane disposition of horses and we recommend considering incorporating provisions such as those into Introduction No. 86-2010 to provide that the horses are humanely cared for after they cease working as carriage horses in New York City.

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³ See Ad Code § 24-330(a)(1).

⁴ In 2000 and 2005, the *New York Times* and *New York Post* ran stories about an elementary school located next door to a DCA-licensed horse stable; children complained of asthma and other health problems, which were caused by tiny airborne manure particles according to the school nurse. Kelly Crow, *Parents Say Stable's New Site Means Dust and Distraction for Children*, NY TIMES (Oct. 22, 2000); Marianne Garvey, *Making a Stink; School Hits Horse Barn Next Door*, NY POST (Jan. 9, 2005).

⁵ NYSHHAP Standards and Certification Manual 41 (Feb. 2008).