



**NEW YORK
CITY BAR**

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**REPORT ON LEGISLATION BY THE
ANIMAL LAW COMMITTEE**

**A.2046
S.5048**

**M. of A. Kavanagh
Sen. Serrano**

AN ACT to amend chapter 115 of the laws of 1894, relating to the better protection of lost and strayed animals and for securing the rights of owners thereof, in relation to licensing of dogs in a certain city; to amend the administrative code of the city of New York, in relation to the animal population control fund; and to repeal certain provisions of chapter 115 of the laws of 1894, relating to the better protection of lost or strayed animals and for securing the rights of owners thereof, relating to licensing of dogs in a certain city.

THIS LEGISLATION IS APPROVED WITH RECOMMENDATIONS

SUMMARY OF THE PROPOSED LAW

Assembly Bill No. 2046/Senate Bill No. 5048 repeals certain provisions of chapter 115 of the laws of 1894 that limit the fees that New York City (“City”) may charge for dog licenses. The bill would allow the City to set the amount of fees for dog licenses and allows for higher fees for unsterilized dogs, sets a fine for violating the license requirement, provides that entities that are authorized to process dog license applications (such as pet stores) may receive 10% of the application fee, transfers the enforcement of the law from the ASPCA to the City Department of Health and Mental Hygiene (“DOHMH”), allows applicants for a dog license to self-certify that a dog has been sterilized and establishes certain uses of fees relating to dog licenses, among other things.

THE COMMITTEE SUPPORTS THE PROPOSED LEGISLATION

According to the sponsor’s memo, the dog licensing fees do not cover the costs of issuing them incurred by the DOHMH. Existing state law allows the City to charge dog licensing fees of \$8.50 for sterilized dogs and \$34.00 for unsterilized dogs. The fee the City is allowed to charge for licenses for sterilized dogs is lower than other New York State municipalities’ fees. For example, Albany’s fee is \$12.50; Buffalo’s fee is \$13.50; Hempstead’s fee is \$10.00; Rochester’s fee is \$10.00; and Yonkers’ fee is \$12.50. (The fee for the licensing of unsterilized dogs is higher than other municipalities’ fees.) By allowing New York City to set its own fees, the law will allow the City to cover its costs of administering the licensing program and raise revenue necessary for programs relating to dogs and cats.

The bill would also establish a fine of \$75.00 for a first violation of the licensing requirement and \$100 for a second violation in five years. There are currently no fines for violations. The risk of fines may encourage more residents to license their dogs and is additional source of revenue for programs relating to dogs and cats. The bill provides that three quarters of fines are to be deposited into the Animal Control Fund and one quarter of the fines are to be used for “carrying out the provisions of this act, establishing, maintaining, or funding shelters for lost, strayed, or homeless animals, providing or funding public education, regarding responsible animal care and dog licensing requirements, and conducting other animal care and control activities.”

RECOMMENDATIONS

The Committee notes that funding for shelters is vital to prevent the deaths of companion animals due to lack of space and other resources. The leading cause of death of dogs and cats in the United States is euthanasia of healthy, unwanted dogs and cats.¹ Although the number of euthanizations of unwanted dogs is substantially decreasing in New York City, large numbers of unwanted cats and dogs continue to be euthanized.² In 2012, New York City Animal Care and Control (“ACC”), a not-for-profit corporation that contracts with the City of New York for care and rescue services, euthanized 6,872 dogs and cats.³

We note that, as drafted, the proposed legislation would allow a portion of funds generated from licensing fees to be used for purposes unrelated to animal shelters. We believe this provision undermines the stated purpose of the bill: to “help fund important services such as sheltering and care for stray abandoned and dangerous animals” and is contrary to good governance. To ensure that funds from license-related fees will support shelters, we recommend that the proposed legislation be amended to provide that such portion of funds generated from licensing fees must be used to establish, maintain, or fund shelters for lost, strayed, or homeless animals, and that any remaining funds must be used for purposes that are animal shelter-related. We urge the Legislature to include whatever language it deems appropriate to assure that these purposes are followed.

CONCLUSION

For the foregoing reasons, the Committee supports the proposed legislation with recommendations.

Reissued May 2014

¹ Rebecca J. Huss, *Rescue Me: Legislating Cooperation Between Animal Control Authorities and Rescue Organizations*, 39 CONN. L.REV. 2059, 2064 (July 2007).

² Animal Care and Control of New York City Web site, Euthanasia 2004-2012, <http://www.nycacc.org/pdfs/stats/Euth.png> (last visited May 7, 2014).

³ *Id.*