



**ASSOCIATION OF THE BAR
OF THE CITY OF NEW YORK**
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COMMITTEE ON LEGAL ISSUES PERTAINING TO ANIMALS

Intro. No. 658

Council Members: Avella, Mark-Viverito, Palma

A LOCAL LAW to amend the Administrative Code of the City of New York in relation to repealing all provisions allowing for the operation of horse drawn cabs.

THIS BILL IS APPROVED

Intro. No. 658 modifies Section 17-327 of the Administrative Code of the City of New York by making it unlawful to offer rides to the public on a vehicle drawn or pulled by a carriage horse. In addition, Intro. No. 658 repeals other sections of the Administrative Code allowing for the operation of horse drawn carriages. This Committee offers its approval of the proposed amendment.

For several years the Committee has urged that legislation be enacted to ameliorate the extremely harsh conditions under which our City's carriage horses work and live, while, at the same time, stating that such legislation could not create fully humane conditions and that a ban of carriage horse rides was the only truly humane solution. Despite broad and vocal public support for reforms, no legislation has been enacted to shorten the work day of the horses or to set a maximum allowable work period within a week. Nor has any legislation been enacted to redefine permissible working conditions to take into effect weather conditions such as humidity in the summer and wind in the winter and weight restrictions on carriage loads or to require turnout periods, improved stables, stalls sufficient in size to allow a horse to lie down and turn about, periodic inspections to verify that adequate bedding, food and water are made available, and a prohibition on the sale of any carriage horse for slaughter. New York, in fact, has failed to enact any legislation to protect the City's carriage horses, although these and similar measures have been enacted in many other U.S. cities.

Indeed, as indicated in the Audit Report on the Licensing and Oversight of the Carriage Horse Industry by the Departments of Health and Mental Hygiene ("DOHMH") and Consumer Affairs ("DCA"), dated June 27, 2007, by the New York City Comptroller, the City has failed to enforce even the inadequate protective provisions under the current Administrative Code. By way of example, as stated in the Audit Report, "the Administrative Code statute relevant to the industry includes a requirement for an Advisory Board to have

been established, but DOHMH failed to establish the Board since the enactment of the statute. As a result, regulations promoting the health, safety, and well-being of the carriage-horses remain broad and general in scope. Further, both agencies' efforts in monitoring and overseeing the carriage-horse industry raise concerns. During Fiscal Year 2006, the DOHMH veterinarian consultant did not examine the condition of any of the horses in the field, and DCA inspectors did not perform the required number of inspections of the horse-drawn carriages." The Audit Report further found, "The process envisioned by the writers of the Administrative Code statute creating an Advisory Board appears to acknowledge that the few requirements contained in the statute were inadequate to care for the horses. It should be noted that the existing City regulations over this industry were established more than 25 years ago. Information that is now available may not have been available when these rules were promulgated and it may be that certain issues are not adequately addressed, if addressed at all." Even given the narrow scope of the Audit Report, the Report underscores a lack of will in New York City to ensure the required protections for carriage horses.

In addition, the presence of horses on the City's streets is a danger, as evidenced by the recent, repeated incidences of spooked horses bolting through congested streets putting both horses and people at risk. Because of such risks, horse drawn carriages have been banned in many large cities such as London, Toronto, and Paris. Accordingly, the Committee supports the proposed amendment to ban the carriage horse trade in New York.