CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON STATE AND FEDERAL LEGISLATION

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May 12, 2014 Start: p.m. Recess: p.m.

HELD AT: Council Chambers

250 Broadway - Hearing Room,

16th Fl

B E F O R E:

KAREN KOSLOWITZ Chairperson

COUNCIL MEMBERS:

Inez Dickens
Brad S. Lander

Rafael L. Espinal, Jr.

Ben Kallos

Alan N. Maisel Antonio Reynoso

### APPEARANCES

Mario Merlino
Assistant Commissioner
Veterinary and Pest Control Services
Division of Environmental Health
New York State Department of Health and
Mental Hygiene

Corinne Schiff
Director of Special Projects
Division of Environmental Health

Reesa Weinstock Executive Director & General Counsel Animal Care and Control of New York City

Michelle Villa-Gomez Legislative Director ASPCA

Edita Birngrant Campaign Director Friends of Animals

Jane Hoffman On Behalf of New York City Bar Association

President/Chairman of the Board Mayor's Alliance for New York City's Animals 

2	CHAIRPERSON KAREN KOSLOWITZ: The Meeting
3	on State and Federal Legislation is about to begin.
4	Good morning and welcome, my name is Karen Koslowitz,
5	I am the Chairperson of the State and Federal
6	Legislation Committee. Today, we will be considering
7	the Mayor's message. First, I would like to
8	introduce the members of the committee that are
9	present at this time. Council Member Brad Lander,
10	Council Member Alan Maisel, and Council Member Ben
11	Kallos and my committee Danielle, and um, am I right?
12	[LAUGHING], you were looking at me, and Billy Martin,
13	I should know that by now.

The committee will hear and vote on legislation to amend current state laws to allow New York City to increase dog license fees to support Animal Population Control and create incentives to licensed dogs. Dog licensing in New York City is currently regulated under state law. Chapter 115 of the Laws of 1894, before my time, [LAUGHTER], sets the dog licensing fee for spayed and neutered dogs in the City of New York at \$8.50, which has been the base fee for nearly 40 years. Chapter 115 permits the City to set its own licensing fees for unsterilized dogs in addition to the base fee, making

COMMITTEE ON STATE AND FEDERAL LEGISLATION the total cost \$34 to license an unsterilized dog. The proposed legislation would allow The City of New York to set its own base fee by local law, provided that the licensing fee for an unsterilized dog is at least 85% greater than the base fee. legislation would also increase fines with failure to license a dog from \$10 - \$75 for a first offense and would allow the City to set the late fee, the licensee currently set at \$2.00. This legislation also specifies how money collected from fees and penalties can be allocated detailing how such funds are to be ear-marked to implement the law. animal shelters provide public education are responsible pet ownership and subsidize the animal population and control fund to support spay/neuter programs. The legislation would provide the Department of Health and Mental Hygiene with sole authority to carry out the provisions of the act. Current law permits private entities to issue licenses on behalf of the City and authorizes that they collect a dollar fee. However, the proposed legislation would expand who can process license applications and changes the collection fee to 10% the total fee. If passed, this legislation will

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provide much needed funding to our City Shelter 3 system, in addition to reducing the number of unwanted and abandoned cats and dogs. It will also 4 provide Department of Health and Mental Hygiene with 5 6 the opportunity to expand and enhance its dog licensing program which currently has low 8 participation rates. I would like to, uh, any of my 9 colleagues have any comments? Well that's a good 10 start, I don't even have any questions because this 11 seems really something that we need. I mean, not to 12 raise fees, but since 1940, is outrageous. I mean, 13 there's nothing, nothing, that hasn't had its fee 14 So with that, does it take a vote? No, we have wit...wait I'm sorry we have testimony, I'm sorry, 15 I'm so eager. 16 [UNDISTINGUISHED MAN'S VOICE 00:05:17] 17 CHAIRPERSON KAREN KOSLOWITZ: Well, they, 18 they were nice enough to come. So I think I'm gonna 19 20 call upon them. Corinne Schiff and Mario.

COMMITTEE ON STATE AND FEDERAL LEGISLATION

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21 MARIO MERLINO: Merlino, Mario Merlino.

22 Uh, good morning Chairwoman Koslowitz, and members of

23 the Committee, my name is Mario Merlino, I am the

24 Assistant Commissioner for Veterinary and Pest

25 Control Services in the Division of Environmental

COMMITTEE ON STATE AND FEDERAL LEGISLATION 6 Health at the New York City Department of Health and Mental Hygiene. To my right is, uh, Corinne Schiff, who is our director of special projects in the Division of Environmental Health. Thank you for inviting me to testify in support of the Council's home-rule message in support of A2046 and S5048 Legislation that would enhance shelter services in New York City by allowing the City to set the license, the dog license fee. The department has pursued this legislation because its enactment would enable the department to modernize its dog licensing program, increase proportion in dogs that are licensed and raise critical revenue to support the animals cared for in the City's animal shelters and I will briefly go over a few, uh, key reasons, um, for our support of the bill. Uh, New York City should have first bullet -

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 New York City should have the same authority the same as other New York City localities. The New York State Agricultural Markets Law that directs localities to issue dog licenses and authorizes them to

charge an amount they see fit. Uh,

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but New York City is different from all other municipalities in that it is governed by an unconsolidated law enacted in 1894 and not this agri-markets uh, statute. The 19..., the 1894, 1894 law mandates that the City issue dog licenses, but prohibits the City from establishing the license fee. This legislation would establish a uniform approach to dog licensing around the state.

#### The licen...SECOND BULLET

• The license fee was intended to fully support animal care and control activities but no longer uh, covers even the cost of issuing the license. A license for altered dogs in New York City, uh, cost dog owners only \$8.50, an amount that has not changed since 1974, uh and it is now, as you can see, from the graph at the bottom of my written testimony, one of the lowest of any

major city in the country. Uh, the revenue generated by dog licensing was intended to help defray the costs of the Animal Care and Control Program because it has remained at \$8.50 for 40 years it no longer even costs the issuing of the license. This legislation would allow the New York City Council working with the Department of Health, to set an appropriate dog license fee.

#### Third bullet -

• New York City will seek local legislation to raise revenue and enable improved animal care services. If the legislation is enacted, New York City will seek local legislation to set a reasonable license fee and generate revenue needed to support improvements underway in the City Animal Shelters. Uh, thanks to the City Council, the Department has

increased the budget for New York Animal Care and Control, the nonprofit under contract to operate the animal shelters already by more than two-thirds and by 2015, by 77%, improving veterinary care and shelter maintenance. These enhancements make sheltered animals more likely to be placed in new homes. Obtaining a license will be easier for dog owners. legislation will make it easier for dog owners to obtain licenses in a variety of ways. Um, the legislation would provide added incentives with third-parties that issue licenses and we will work to facilitate licensing at point of sale such as veterinary clients and pet events. The city will improve online licensing, streamlining it

to enable dog owners to certify the

spay/neuter status of their dog and

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Thank you for allowing me to testify and we will take any questions that you have.

multi-year license.

two, if they wish, to purchase

CHAIRPERSON KAREN KOSLOWITZ: Questions?
Yes, Council Member Kallos.

COUNCIL MEMBER BEN KALLOS: Uh, thank you to our Chair for our leadership and, uh, thank you for uh, this amazing, uh, legi...legislation. What can the City do to encourage more for adoptions, and...and discourage, um, mills, and other uh, sources of animals...

MARIO MERLINO: Well I,...

COUNCIL MEMBER BEN KALLOS: ...with, with regards to licensing?

MARIO MERLINO: Uh, with regard to licensing...well I think the, the licensing is important for two, two big reasons. One is uh, it will help...having a dog license is the best way to ensure so that if your pet, if it, if it separated from you, returns to you. It's a, a uh, um, uh, AC&C has a program called "Free Ride Home". They'll actually um, bring your pet directly, uh, back to your house, uh, if the pet gets lost so uh, it's an

1	COMMITTEE ON STATE AND FEDERAL LEGISLATION 11
2	important component in comp…compared to not having
3	pets wind up at the shelter and the other thing I
4	think it does, um, probably the most important thing
5	it does it provides um, critical funding for both the
6	shelters and for spay and neuter programs in a
7	differential, uh, that we collect for on unaltered
8	dogs is, is 100% of that is used for um, spay and
9	neuter services um, that we contract with the ASPCA
10	and TOBIES Fund to provide. And so those spay and
11	neuter services are you know, reducing the, the
12	population of unwanted dogs and homeless dogs and,
13	and uh, cats that will wind up at the shelters.
14	COUNCIL MEMBER BEN KALLOS: Thank you
15	very much, again, anything that we can do to
16	encourage adoptions and uh, keep, take care of our
17	animals, is, is huge, and, and, to quote the Price is
18	Right, "Please spay and neuter your pets."
19	MARIO MERLINO: I agree.
20	CHAIRPERSON KAREN KOSLOWITZ: Thank you
21	very much. You have?No. Thank you, any other
22	questions? Anybody else? We've been joined by
23	Council Member Espinal and Council Member Dickens.

[PAUSE 00:12:08 - 00:12:58)

Uh, Reesa Weinstock and Michelle Villa-Gomez?

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2	REESA WEINSTOCK: Good morning Chair
3	Person Koslowitz and members of the Committee on
4	State and Federal Legislation, my name is Reesa
5	WeiNstock, I'm the Executive Director of General
6	Counsel of Animal Care and Control of New York City.
7	I'm testifying in support of both bills and the
8	proposed legislative efforts to address the current
9	efficiencies with respect to licensing OF dogs in New
10	York City. A valid dog license is one of the
11	smartest and responsible decisions a dog owner can
12	make. Having taken in 11,726 dogs into our care in
13	2013 AC&C welcomes this legislation. A valid license
14	would have enabled us to more efficiently and quickly
15	identify the owner of a lost or stray dog. Every
16	legislative effort to help AC&C to get more animals
17	out of the shelter system sooner, or that enables
18	City Council to increase financial support for THE
19	services AC&C provides will serve to improve the
20	health and welfare of the pets and people of New York
21	City. Let me take a few moments to explain a little
22	about AC&C in order to put our perspective on this
23	legislation into better context. AC&C is one of the
24	largest animal welfare organizations in the North
25	East and unique in the animal welfare community of

COMMITTEE ON STATE AND FEDERAL LEGISLATION 13 New York City because we are the only organization that takes in and cares for more than 30,000 animals each year in the five boroughs. AC&C was established in 1995 as a 501C-3 Not-For-Profit organization, dedicated to rescuing, caring for and through adoptions to the public, and certain rescue groups, finding loving homes for homeless and abandoned animals in New York City. Through a contract with the City of New York and DOH, AC&C operates five facilities, one in each borough, that are open admission, meaning that each center accepts any animal that comes through its doors, regardless of the behavior they are exhibiting, the condition they're in, or their medical status. We are the only not-for-profit animal welfare organization in New York City that is open admissions. We receive animals of all kinds at each of these locations, primarily cats and dogs but also rabbits, snakes, birds, reptiles, and, on occasion various farm animals. As part of our contract with the City, AC&C seeks to find homes for stray dogs, cats and rabbits. Of the 30,000-plus animals the AC&C took in last year 11,726 were dogs. These numbers include owner

surrenders, owner request for euthanasia, strays,

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Consequently, there is never a shortage of dogs or

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we continue to be faced with the challenges of 30,000

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COMMITTEE ON STATE AND FEDERAL LEGISLATION 16
animals arriving and staying at AC&C. Additional
funding is essential to not only maintain, but to
continue to drive improvement. Securing funding
through shelters through higher licensing fees and
making it easier for dog owners to obtain licenses,
can help ensure that AC&C's efforts can continue to
expand and improve providing greater protection to
the health and welfare of all pets and people in New
York City. The proposed dog license legislation
helps promote responsible pet ownership and community
involvement. AC&C has been ensuring dogs adopted
from our shelters are licensed, as well as altered,
micro-chipped and vaccinated for nearly two decades.
We welcome the support of the City Council to
encourage the same of all dog owners and third
parties throughout the City. Thank you for the
opportunity to testify and I am happy to take any
questions.

CHAIRPERSON KAREN KOSLOWITZ: Any questions? Council Member Maisel?

COUNCIL MEMBER ALAN N. MAISEL: just wanted to uh, confirm what you said about all animals. Last year I rescued a Yellow-Bellied Eastern Woodpecker and I brought it to 1 COMMITTEE ON STATE AND FEDERAL LEGISLATION 17
2 the Linden Boulevard, uh, facility, and they
3 took very, very good care of the bird and I
4 wanted to thank you. It is my first
5 opportunity to thank uh, Animal Control.

REESA WEINSTOCK: Ok, thank you very much.

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COUNCIL MEMBER ALAN N. MAISEL: The other thing I just wanted to mention, it's not really directed to you, but we're now in the middle of May. The legislature uh, adjourns sometime on June 20th, whatever the day of the week that happens to be. Um, with the crush of business that has to be for the legislature, um, this legislation, as important as it is, should have been done in January/February, or maybe just after the budget, um, I think this bill is going to get crushed in the effort to get it out of Albany, so um, it really needs to be done, but un...unfortunately, I think it's going to end having to wait until next year. Um, I would hope that we do something in Albany to make sure that, uh, the Kavinaugh-Serrano Bill gets some attention.

2 CHAIRPERSON KAREN KOSLOWITZ: Maybe we 3 can write a letter of a um,....

COUNCIL MEMBER ALAN N. MAISEL: Well we, uh, I think the City should be in touch with uh, Senator Serrano...

CHAIRPERSON KAREN KOSLOWITZ: Yes.

COUNCIL MEMBER ALAN N. MAISEL: and Kavinaugh to find out where the bill is and uh, um, because if it hasn't even gone before the Agricultural Committee, um, then it's unlikely that it's going to get some attention. We have to, really have to make a push just to make sure it happens.

CHAIRPERSON KAREN KOSLOWITZ: I will call them to find out exactly where it is. Anybody else?

MICHELLE VILLA-GOMEZ: Good morning I'm

Michelle Villa-Gomez, New York City Legislative

Director for the American Society for the Prevention

of Cruelty to Animals. On behalf of the ASPCA and

its over 70,000 New York City supporters, I'd like to

thank the Committee on State and Federal Legislation

and Madame Chairwoman Kaslowitz for holding this

hearing to discuss legislation at the state level

revenue stream for its animal population control

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COMMITTEE ON STATE AND FEDERAL LEGISLATION 20 Specifically, it would allow New York City to set its based-dog license fee and it would create revenue for the animal population control fund with three-quarters of each monetary penalty collected for violations being designated to the fund. legislation presents New York City with an opportunity to easily invest in its animal care and However, in order to maximize on control program. the potential revenue, we must continue to work to increase compliance with the dog licensing requirement. According to the Fiscal Year 2013 Mayor's Management Report 83,000 licenses were issued less than in Fiscal year 2012, when it issued 93,000. Failure to implement an effective dog licensing program has resulted in the loss to the city of millions of dollars in revenue annually. legislation would increase those revenues further if we continue to work, uh, to encourage compliance. The ASPCA, um, has been working with the Department of Health and the City Council, um, to help uh, increase access dog licensing and education about dog licensing and we will continue to do so. mentioned by the Department of Health's testimony um, we are also part of um, the Spay/Neuter Animal

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8 Council and the Department of Health to ensure that

9 the new based dog license fee is reasonable so that

10 | it doesn't result in another barrier to licensing.

Thank you.

CHAIRPERSON KAREN KOSLOWITZ: Next Jane Hoffman and Edita Birnkrant.

EDITA BIRNKRANT: Good morning, um, my name is Edita Birnkrant, and I'm the Campaign's Director for Friends of Animals. Um, we are an international profit animal advocacy organization founded in New York in 1957. FOA has um, helped lead the effort to curve the pet overpopulation crisis by continually running the first nation-wide low-cost spay/neuter program for cats and dogs. Since our founding, we have facilitated over 2.6 million spay/neuter surgeries through this program and we work to promote pet adoptions at our city shelters and educate the public on responsible pet ownership.

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Friends of Animals strongly supports the resolution in support of Bill A2046 and S5048, pertaining to the licensing of dogs in New York City. We support passage of these bills in the Senate and Assembly and will urge our New York members and supporters to do so as well. New York City should have the same authority to set the license fee as other New York localities and this legislation would enable that. The current dog license fee for altered dogs in New York City is \$8.50, an amount that has not changed since 1974. This very low rate is one of the lowest fees in the state and of any major city in the county. As a comparison, Philadelphia's fee is \$16, San Francisco's fee is \$21 and Miami's fee is \$27. It's necessary to increase the fee so that New York City will no longer lose money on its State-mandated licensing program and this legislation would allow the New York City Council to do so. The dog license fee was intended to support animal care and control activities, but as the fee has remained the same for nearly 40 years, it no longer even covers the cost of issuing the license. An increase is long way overdue. Local legislation to raise the license fee will generate a much-needed revenue to support

2 ongoing improvements in our City's animal shelters.

3 | In doing so, we can ensure better veterinary care,

 $4 \parallel$  shelter maintenance and in turn, increase adoptions.

5 This legislation will also make it easier for dog

6 owners to obtain licenses by allowing private

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7  $\parallel$  providers to keep 10% of the license fee, rather than

8 the current one dollar. Instead of only obtaining

9 licenses from the City, veterinarians, pet shops and

10 others could sell licenses to dog owners. The bill

11 | would also change the law to allow dog owners to

12 | certify that their dog has been sterilized in order

13 to be eligible for the lower license fee for altered

14 dog instead of requiring documentation from a vet or

15 a notarized statement. The licensing requirement

16 | would also change current law for dog owners with

17 | unlicensed dogs to impose a fine instead of criminal

18 penalties and seizures of their dog. Thank you.

Hoffman and I am here to testify on behalf of the New York City Bar Association, which, uh, is in support

JANE HOFFMAN: Hello my name is Jane

22 of this legislation. I think that DOH, AC&C, Friends

23 | of Animals and the ASPCA has set forth the case so I

24 ∥ am not going to bore you with reading my testimony,

which you have in front of you, um, we are in support

1	COMMITTEE ON STATE AND FEDERAL LEGISLATION 24
2	of this, um, Home Rule - to allow us to set our own
3	dog licenses. I'd also like to say that I also have
4	on another hat, I am the President for the Mayor's
5	Alliance for New York City's Animals and we work very
6	closely with AC&C and actually DOH on dog licensing,
7	lost and found and we are also strongly in support of
8	this legislation, thank you.
9	CHAIRPERSON KAREN KOSLOWITZ:: Thank you.
10	Since there is no other testimony, um, this meeting
11	is adjourned.
12	VOICES: We have to vote.
13	CHAIRPERSON KAREN KOSLOWITZ: Oh vote.
14	[LAUGHTER]
15	CHAIRPERSON KAREN KOSLOWITZ: There's a
16	press conference downstairs that is in my mind.
17	[LAUGHING] I'm sorry, um, okay. Call the roll.
18	WILLIAM MARTIN, COMMITTEE CLERK:
19	Roll call vote, Committee on State and Federal
20	Legislation, pre-concerted M Council Member
21	Koslowitz.
22	CHAIRPERSON KAREN KOSLOWITZ: I vote Aye.
23	CLERK: Dickens
24	COUNCIL MEMBER INEZ DICKENS: Aye
25	CLERK: Lander

# 1 COMMITTEE ON STATE AND FEDERAL LEGISLATION 25 COUNCIL MEMBER BRAD S. LANDER: Aye 3 CLERK: Espinal RAFAEL L. ESPINAL, JR.: 4 5 CLERK: Kallos 6 COUNCIL MEMBER BEN KALLOS: Aye, please 7 remember to spay and neutily...[LAUGHTER] or neuter 8 your pets. CLERK: Maisel 9 COUNCIL MEMBER ALAN N. MAISEL: 10 Aye By vote of six in the 11 CLERK: 12 affirmative, zero in the negative and no 13 obstention[sp], item has been adopted. 14 Members please sign the committee report. 15 Thank you. CHAIRPERSON KAREN KOSLOWITZ: 16 Thank you. I'm gonna hold the vote open for another uh, half 17 hour since uh, some of our colleagues are not here. 18 19 They may be at the press conference so I'm gonna hold it open so they can vote. Thank you and thank you 20 21 for being here and testifying. CLERK: The following vote in Committee 22 on State and Federal Legislation pre-concerted M 23

Senate Number 5048 Assembly 2046 has been adopted by

1	COMMITTEE ON STATE AND FEDERAL LEGISLATION	26
2	a vote of six in the affirmative, zero in the	
3	negative, no obstentions. Thank you.	
4	[gavel]	
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World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date \_\_\_\_\_May 14, 2014\_\_\_\_\_