

## Chapter 8: Animal Shelters and Sterilization Act

(Title amended by L.L. 2015/007, 1/17/2015, eff. 6/1/2015)

### § 17-801 Legislative findings. [Repealed]

### § 17-802 Definitions.

For the purposes of this chapter, the following terms shall be defined as follows:

- a. **"Adoption"** means the delivery of a dog or cat deemed appropriate and suitable by an animal shelter to an individual at least eighteen years of age who has been approved to own, care and provide for the animal by the animal shelter.
- b. **"Animal rescue group"** means a duly incorporated not-for-profit organization that accepts homeless, lost, stray, abandoned, seized, surrendered or unwanted animals from an animal shelter or other place and attempts to find homes for, and promote adoption of, such animals by the general public.
- c. **"Animal shelter"** means a not-for-profit facility holding a permit in accordance with § 161.09 of the New York city health code where homeless, lost, stray, abandoned, seized, surrendered or unwanted animals are received, harbored, maintained and made available for adoption to the general public, redemption by their owners or other lawful disposition, and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other organization devoted to the welfare, protection or humane treatment of animals.
  - c-1. **"Companion animal"** means any dog or cat, and also means any other domesticated animal normally maintained in or near the household of the owner or person who cares for such other domesticated animal. "Companion animal" does not include a farm animal as defined in section 350 of the agriculture and markets law or a wild animal as defined in section 161.01 of the New York city health code.
- d. **"Consumer"** means any individual purchasing an animal from a pet shop. A pet shop shall not be considered a consumer.
- e. **"Feral cat"** means an animal of the species felis catus who has no owner, is unsocialized to humans and has a temperament of extreme fear of and resistance to contact with humans.
- f. **"Full-service shelter"** means a person required to have a permit issued pursuant to subdivision (b) of section 161.09 of the New York city health code that houses lost, stray or homeless animals and:
  - (1) accepts dogs and cats twelve hours per day, seven days per week;
  - (2) has an adoption program available seven days per week; and
  - (3) provides sterilization services for dogs and cats and any other veterinary services deemed necessary by a licensed veterinarian at such shelter or at a veterinary facility.
- g. **"Person"** means any individual, corporation, partnership, association, municipality, or other legal entity.
- h. **"Pet shop"** has the same meaning as such term is defined in section 17-371 of this title.
- i. **"Sterilization"** means rendering a dog or cat that is at least eight weeks of age and that weighs at least two pounds unable to reproduce, by surgically altering such animal's reproductive organs as set forth in the rules of the department or by non-surgical methods or technologies approved by the United States food and drug administration or the United States department of agriculture and acceptable to the department. Such definition shall include the spaying of a female dog or cat or the neutering of a male dog or cat.
- j. **"Trap-neuter-return"** means a program to trap, vaccinate for rabies, sterilize and identify feral cats and return them to the locations where they were found.
- k. **"Adoptable animal"** means any companion animal subject to adoption as defined in subdivision a of this section.

(Am. L.L. 2015/007, 1/17/2015, eff. 6/1/2015; Am. L.L. 2015/053, 6/2/2015, eff. 6/1/2015; Am. L.L. 2019/200, 11/25/2019, eff. 12/25/2019; Am. L.L. 2019/222, 12/15/2019, eff. 1/14/2020)

### § 17-803 Animal shelters.

**Editor's note:** this section has been amended by [L.L. 2018/123, 6/26/2018, eff. 7/1/2024](#). For related unconsolidated provisions, see [Appendix A at L.L. 2018/123](#).

- a. A full-service shelter shall be maintained and operated in each of three boroughs of the city of New York. At least one of the full-service shelters shall be open to the public for the purpose of receiving animals twenty-four hours per day, seven days per week.
- b. Facilities to receive lost, stray or homeless dogs and cats from the public shall be maintained seven days per week, twelve hours per day in those boroughs of the city in which there is not a full-service shelter.
- c. Field services having the capacity to pick up and bring to a shelter lost, stray, homeless or injured dogs and cats from all five boroughs shall be maintained and operated seven days per week, twelve hours per day. Where public health and safety is threatened, they shall have the capacity to pick up such animals twenty-four hours per day.

### § 17-804 Sterilization required.

a. No full-service shelter or other shelter for homeless animals required to have a permit issued pursuant to subdivision (b) of section 161.09 of the New York city health code shall release a dog or cat to a person claiming ownership thereof, or to a person adopting such dog or cat, unless such dog or cat has been sterilized by a licensed veterinarian; provided, however, that such requirement shall not apply:

- (1) if a licensed veterinarian certifies to such shelter that he or she has examined such dog or cat and found that because of a medical reason, the life of such dog or cat would be endangered by sterilization; provided, however, that such reason shall not consist solely of the youth of such dog or cat, if such dog or cat is at least eight weeks of age;
- (2) in the case of a dog, if such dog, within the time period provided for by law, rule or regulation, is claimed by a person claiming ownership thereof, and such person demonstrates to the satisfaction of the shelter that such dog has a breed ring show record from the American Kennel Club or United Kennel Club or other similar, registry association, dated no more than twelve months prior to the date such dog entered such shelter, or such person claiming ownership is able to provide proof that such dog has successfully completed the requirements of the American Kennel Club or United Kennel Club or other similar, registry association, for the title Champion or its equivalent, at any time prior to the arrival of the dog at the shelter;
- (3) in the case of a dog, if such dog, within the time period provided for by law, rule or regulation, is claimed by a person claiming ownership thereof, and such person demonstrates to the satisfaction of the shelter that such dog is a guide dog, hearing dog, service dog or police work dog; or

(4) in the case of a cat, if such cat within the time period provided for by law, rule or regulation, is claimed by a person claiming ownership thereof, and such person demonstrates to the satisfaction of such shelter that such cat has a breed show record from the Cat Fancier Association or other similar, registry association dated no more than twelve months prior to the date such cat entered such shelter or such person claiming ownership is able to provide proof that such cat has successfully completed the requirements of the Cat Fancier Association or other similar, registry association for the title Champion, Grand Champion or its equivalent, at any time prior to the arrival of the cat at the shelter.

b. No pet shop shall release to a consumer a dog or cat that has not been sterilized by a licensed veterinarian. Such veterinarian shall provide to the pet shop a certificate, in such form and manner as determined by rules promulgated by the department, stating the date on which such sterilization was performed.

c. Every pet shop, in accordance with rules promulgated by the department, shall maintain records of all sales of dogs and cats, sterilization procedures performed at the request of the pet shop, and veterinarian letters and certificates received, and shall retain such records, letters and certificates for a period of five years. Such records, letters, and certificates shall be made available to the department according to rules promulgated by the department. The department may require that such documents be submitted by electronic means.

d. Every owner of a cat who permits such cat to roam outside the interior of the owner's dwelling shall have such cat sterilized. At the request of employees or authorized agents of the department, owners shall provide proof satisfactory to the department that a cat found roaming has been sterilized. The Department shall not seize a cat solely on the ground that the cat has not been sterilized.

e. The department shall post and maintain on its website a regularly updated list of organizations in New York city that offer trap-neuter-return information and conduct trap-neuter-return activities.

f. A pet shop that allows an animal shelter or animal rescue group to use such pet shop's premises for the purpose of making animals available for adoption shall be exempt from the requirements of subdivisions b and c of this section with respect to such animals, provided such pet shop does not have an ownership interest in any of the animals that are made available for adoption.

(Am. L.L. 2015/007, 1/17/2015, eff. 6/1/2015; Am. L.L. 2015/053, 6/2/2015, eff. 6/1/2015)

### **§ 17-805 Reporting requirements.**

The department shall provide the mayor and the city council with a report by February twenty-eight of each year which shall set forth information regarding the management and operation of all full-service shelters performing services pursuant to a contract with the city of New York, including but not limited to:

a. The following information with respect to the previous calendar year:

- (1) the total number of animals accepted by each full-service shelter;
- (2) the total number of animals that were sterilized at each full-service shelter;
- (3) the total number of animals that were humanely euthanized at each full-service shelter;
- (4) the total number of healthy animals that were humanely euthanized at each full-service shelter;
- (5) the total number of animals that were adopted at each full-service shelter;
- (6) the total number of animals at each full-service shelter that were returned to their owner; and
- (7) the number of animals at each full-service shelter that were provided to other shelters for adoption.

b. The following information for each month of the previous calendar year:

- (1) the total number of animals, disaggregated by borough, picked up by field services during regular business hours and delivered to (A) receiving facilities and (B) full-service shelters;
- (2) the total number of animals, disaggregated by borough, picked up by field services during off hours and delivered to (A) receiving facilities and (B) full-service shelters;
- (3) the total number of animals taken in and transferred to a full-service shelter from each receiving facility; and
- (4) the staffing levels at all full-service shelters and receiving facilities.

c. The department shall report to the mayor and the council each month the total number of healthy animals that were humanely euthanized at each full-service shelter during the previous month.

d. No later than twenty-four months after the effective date of the local law that added this subdivision, the department shall provide to the mayor and the council a report that summarizes and describes trends in the reporting requirements provided annually in accordance with this section.

### **§ 17-806 Violations.**

Any person found to be in violation of subdivision (b), (c) or (d) of section 17-804, section 17-814, or section 17-815 of this chapter or any of the rules promulgated thereunder shall be liable for a civil penalty of five hundred dollars for each violation. A proceeding to recover any civil penalty authorized pursuant to the provisions of this section shall be commenced by the service of a notice of violation which shall be returnable to the administrative tribunal authorized to adjudicate violations of the health code or the administrative code.

(Am. L.L. 2015/007, 1/17/2015, eff. 6/1/2015)

### **§ 17-807 Rules.**

The commissioner may promulgate such rules as are necessary for the purposes of implementing and carrying out the provisions of this chapter.

### **§ 17-808 Severability.**

If any section, subsection, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.

### **§ 17-809 No limitation on additional services.**

Nothing contained in this chapter shall be deemed to limit the department's authority to offer additional services or facilities to facilitate the decline in numbers of unwanted and uncared for animals in New York city.

### **§ 17-810 Euthanizing animals; time frame for making such determination.**

In determining when a full-service shelter may euthanize a lost, stray or homeless animal held by it, such shelter shall exclude from the calculation of the number of hours that such shelter is required by law to hold such animal before euthanizing such animal those hours when such shelter is not required to accept dogs and cats pursuant to paragraph one of subdivision d of section 17-802 of this chapter. Such calculation of the number of hours shall not take into consideration the full-service shelter required to accept dogs and cats twenty-four hours per day pursuant to subdivision a of section 17-803 of this chapter.

### **§ 17-811 Animal population control program.**

The department shall promulgate rules and regulations to establish and implement an animal population control program within one hundred eighty days from the effective date of this section. The purpose of this program shall be to reduce the population of unwanted stray dogs and cats thereby reducing potential threats to public health and safety and reducing the costs of caring for these animals. This program shall seek to accomplish its purpose by encouraging residents of the city of New York who are the owners of dogs and cats to have them spayed or neutered by providing no or low-cost spaying and neutering services to such owners. The department shall promulgate rules and regulations necessary to establish an animal population control program including, but not limited to, creating clinics or mobile units where such services shall be performed and establishing criteria for pet owner eligibility to use such services. Indicia of eligibility for pet owners seeking no or low-cost spay and neuter services shall include but not be limited to any criteria deemed acceptable by the agencies performing the services. The commissioner may solicit and accept funds from the animal population control fund established pursuant to section 17-812 of this chapter and any other public or private source to help carry out the provisions of this section.

### **§ 17-812 Animal population control fund.**

1. There is hereby established in the joint custody of the city comptroller and commissioner of finance a fund to be known as the "animal population control fund" which shall be used by the department to subsidize the city's animal population control program as established by section 17-811 of this chapter.
2. Such fund shall consist of all moneys collected from the animal population control program established pursuant to section 17-811 of this chapter, all moneys collected for the additional fee charged for a license to be issued or renewed for an unsterilized dog pursuant to subdivision three of section two of chapter one hundred fifteen of the laws of eighteen hundred ninety-four, that portion of any penalties assessed under section three of such chapter due to be paid to such fund, and all other moneys credited or transferred thereto from any other fund or source pursuant to law.
3. Moneys of the fund shall be made available to the department and shall be expended for the purposes of carrying out animal population control programs pursuant to the provisions of section 17-811 of this chapter. Moneys shall be paid out of the fund on the audit and warrant of the city comptroller and approved by the commissioner. Any interest received by the city comptroller on moneys on deposit in the animal population control fund shall be retained in and become part of such fund.

### **§ 17-813 Dog license fee.**

- a. In addition to the fees required pursuant to chapter 115 of the laws of 1894, as amended, any person applying for a dog license shall pay twenty-five dollars and fifty cents for any dog four months of age or older that has not been spayed or neutered unless an owner presents with the license application a statement certified by a licensed veterinarian stating that he or she has examined the dog and found that because of old age or other reasons, the life of the dog would be endangered by spaying or neutering.
- b. Fees collected pursuant to the provisions of this section shall be directed to the animal population control fund established pursuant to section 17-812.

### **§ 17-814 Licensing of dogs required.**

- a. No pet shop or animal rescue group shall sell or release a dog to a purchaser or adopter unless such purchaser or adopter first completes an application for a license and tenders the license fees required by law. If such application is completed in connection with the purchase of a dog from a pet shop, such application shall include the following information: the date of purchase, the name and address of the pet shop, and if such pet shop has an operating permit issued by the department, such pet shop's permit number. Such pet shop or animal rescue group shall forward such completed application and license fees to the department in such manner as may be specified by the department.
- b. A pet shop or animal rescue group shall be exempt from the requirements of subdivision a of this section for any sale or adoption of a dog to a purchaser or adopter who executes and submits to such pet shop or animal rescue group a written statement that the dog to be purchased or adopted is to be harbored outside of the city and proof in a form determined by the department that the purchaser or adopter resides outside the city.
- c. Every pet shop shall, on at least a monthly basis, report to the department on a form furnished by the department all dogs which have been sold and adopted, indicating for each such dog whether or not the pet shop submitted to the department a license application. Such form shall include the name and address of each such dog's purchaser or adopter, the license or license application number if known, as well as any other descriptive information regarding such dog as may be required by the department.
- d. A pet shop that allows an animal shelter or animal rescue group to use such pet shop's premises for the purpose of making animals available for adoption shall be exempt from the requirements of this section with respect to such animals, provided such pet shop does not have an ownership interest in any of the animals that are being made available for adoption, and the pet shop does not derive a fee for providing such adoption services.

(L.L. 2015/007, 1/17/2015, eff. 6/1/2015; Am. L.L. 2015/053, 6/2/2015, eff. 6/1/2015)

### **§ 17-815 Microchipping required.**

- a. No pet shop or animal rescue group shall release a dog or cat to a purchaser or adopter unless:
  - (1) such animal has been implanted with a microchip as a permanent identification;
  - (2) such pet shop or animal rescue group has registered such animal's microchip with such purchaser's contact information with a bona fide pet microchip registration company; and
  - (3) such pet shop or animal rescue group has provided such purchaser with (i) usage instructions for such microchip provided by the manufacturer of such microchip or the company with which such microchip is registered and (ii) written certification of compliance with paragraphs one and two of this subdivision, signed by such purchaser as acknowledgement of receipt, in a form and manner set forth in rules promulgated by the department.
- b. Every pet shop and animal rescue group shall retain for a period of ten years from the date of sale of any dog or cat, a copy of the certification signed by the purchaser required by paragraph three of subdivision a of this section.
- c. A pet shop that allows an animal shelter or animal rescue group to use such pet shop's premises for the purpose of making animals available for adoption shall be exempt from the requirements of subdivisions a and b of this section with respect to such animals, provided such pet shop does not have an ownership interest in any of the animals that are being made available for adoption, and the pet shop does not derive a fee for providing such adoption services.

(L.L. 2015/008, 1/17/2015, eff. 6/1/2015; Am. L.L. 2015/055, 6/2/2015, eff. 6/1/2015)

### **§ 17-816 Promotion of adoptable animals.**

Any full-service animal shelter operated by New York city shall post photographs of, and relevant information about, each adoptable animal in its possession, including but not limited to age and sex, within three days of receiving such animal, provided that such animal is not affected by a medical or behavioral condition that makes it unsafe or unsuitable for photographing. The department shall encourage any other animal shelter that holds a permit under section 161.09 of the New York City health code to make its best efforts to promote the placement of adoptable animals.

(L.L. 2019/200, 11/25/2019, eff. 12/25/2019)

### **§ 17-817 Disposal of deceased animals.**

The department shall provide information regarding city services that are available for proper disposal of deceased animals and shall post such information to its website.

(L.L. 2019/227, 12/15/2019, eff. 3/14/2020)

### **§ 17-818 Animals discovered during eviction or action taken pursuant to any order or judgment granting legal possession.**

An animal shelter directed by a sheriff or city marshal executing a warrant of eviction or any order or judgment granting legal possession to retrieve a companion animal from such premises shall retrieve such companion animal as expeditiously as possible after receiving such direction.

(L.L. 2019/222, 12/15/2019, eff. 1/14/2020)

### **§ 17-819 Civil cause of action for persons denied possession of companion animals.**

a. Except as provided in this section or as otherwise provided by law, any person claiming to be denied possession of their companion animal by a landlord still in possession of such companion animal after the execution of a warrant of eviction or action taken pursuant to any order or judgment granting legal possession shall have a cause of action against such landlord in any court of competent jurisdiction for any or all of the following relief:

1. Compensatory and punitive damages;
2. Injunctive and declaratory relief;
3. An order of seizure pursuant to article 71 of the civil practice law and rules;
4. Attorney's fees and costs.

b. No person shall be liable under this section if a companion animal is received by its owner or by an animal shelter, animal rescue group or any animal care and control organization approved or designated by or acting on behalf of the department within three days of the warrant of eviction or action taken pursuant to any order or judgment granting legal possession.

c. Nothing in this section shall be construed to create a cause of action against:

1. The city of New York, or any agency, officer, employee, or agent thereof, including, but not limited to, any city marshal;
2. The state or any county or any municipality of New York or any agency, officer, employee or agent thereof;
3. The United States, or any other officer, employee or agent thereof; or
4. Any animal shelter, animal rescue group, or animal care and control organization approved or designated by or acting on behalf of the department, or any officer, employee or agent thereof.

(L.L. 2019/222, 12/15/2019, eff. 1/14/2020)