



***NYSAPF is the voice of New York's humane societies, SPCAs, non-profit and municipal animal shelters as well as animal welfare organizations which focus on homeless animals.***

**TESTIMONY TO THE JOINT LEGISLATIVE HEARING ON  
ENVIRONMENTAL CONSERVATION**

**SFY 2021-22 STATE BUDGET and LEGISLATIVE PRIORITIES**

**Presented by Libby Post, Executive Director of the NYS Animal Protection Federation**

Thank you for the opportunity to present testimony to you today on behalf of the New York State Animal Protection Federation (NYSAPF). The Federation represents all the humane societies and SPCAs as well as non-profit and municipal animal shelters across the state. From a policy perspective, our focus is two-fold—on the organizational strength and financial sustainability of our memberships and on the health and well-being of companion animals—mainly dogs, cats, puppies and kittens but also other domesticated animals such as rabbits and birds. Our members also include animal welfare organizations such as the ASPCA, the Humane Society of the United States, Feral Cat Focus on Western New York and the Animal Alliance of Greater Syracuse.

**Companion Animal Capital Fund**

We are incredibly thankful that the Assembly and Senate included the Companion Animal Capital Fund in the Capital bill passed at the end of the 2019 session. Unfortunately, last year's budget was derailed by the COVID pandemic and funding was not made available. That didn't stop, however, the capital needs of shelters. Our 2021 Capital Needs Survey shows that there are 26 shelters with capital needs of over \$56.7 million.

We hope, as we've been told in the past, that "the Fund was on everyone's list." This speaks to how important this funding has become to shelters across the state in the three short years it's been in place. I'd like to single out Assembly Agriculture Committee Chair Donna Lupardo and the Assembly Ag Committee members, Assemblywoman Deborah Glick, and former State Senators Monica Martinez and Jennifer Metzger and the members of their respective committees and Governor Cuomo for their role in continuing to fund the country's first Companion Animal Capital Fund. We look forward to working with Senator Michelle Hinchey, the new chair of that house's Agriculture Committee, to make the fund a reality this year as well.

Despite the pandemic, the contracts for the awards made in February of 2020 were executed. The funding is making a tremendous difference for the lives of homeless companion animals across New York. I'm happy to report a number of projects have been completed. The \$15 million the state has committed has helped to build new shelters as well as make needed upgrades to others. This May, if we can, many of us will gather in Cooperstown for the grand opening of the new Susquehanna SPCA.

From new air handlers to cat condos and dog kennels to improved plumbing and sturdy roofs, another round of this funding will enhance the quality of life of the thousands of animals who pass through the doors of these shelters as well as the work done by the dedicated professionals who care for these animals day in and day out. (See addendum A for the full list grantees.)

New York State Animal Protection Federation Testimony to the Joint Legislative Hearing on Environmental Conservation  
On 2021-22 Budget

We also want to take a moment to recognize the great work done by the New York State Department of Agriculture and Markets. Commissioner Ball, State Veterinarians Dave Smith and Dave Chico and their staffs have been exemplary. They have taken the lead to make sure prospective grantees are educated about the application process.

If the Companion Animal Capital Fund is restored in the 21-22 budget, the Federation's Education Fund will again provide low-cost grant writers to our members. Additionally, the Education Fund has established a shelter assessment and enhancement program that is being helmed by Barbara Carr, the former Executive Director of the SPCA Serving Erie County. Both programs will help our members make the right decisions for their shelter regarding management and capital improvements.

It is our hope, as our state recovers, that legislative and executive leaders will make the Companion Animal Capital Fund a fixture in the state budget. We are looking for at least \$5 million in new funding for the 2021-22 budget cycle. As you know, this isn't a one-way street—shelters must be shovel ready and be able to match the construction funds at either 25 percent or 50 percent based on population and how many municipalities they serve.

The Federation also has a full 2021 Humane Agenda which is attached to this testimony as Addendum B.

Thank you.

## ADDENDUM A



NYSAPF is the voice of New York's Humane Societies, SPCAs, Non-Profit and Municipal Animal Shelters

## 2018-2020 Grants

### 2020 Grants

#### Western New York

*Town of Marilla* (Marilla, Erie County): \$94,070 for a new building with separate runs, install non-porous material in kennels and access to the outside area, a new HVAC system, lighting, heated flooring, and a new isolation area.

*Town of Lancaster* (Lancaster, Erie County, **NYSAPF Member**): \$228,750 to support a new building with epoxy flooring, new kennels, new drains, a new HVAC system, floor sink, exercise yard, and garage.

#### Finger Lakes

*Humane Society of Yates County* (Penn Yan, Yates County, **NYSAPF Member, assisted by NYSAPF Ed Fund Grant Writer**): \$500,000 to build an addition that houses modern dog kennels, purchase sound panels, and improve drainage. Funding will also allow in-floor heating, a new HVAC system and the construction of enclosed outdoor runs.

*Livingston County* (Mount Morris, Livingston County): \$112,500 to support the construction of a new intake area for new dogs, replacement of old kennels, addition of four new isolation kennels, four new primary enclosures for overflow, and an attached and enclosed garage.

*Ontario County Humane Society, Inc.* (Canandaigua, Ontario County): \$363,030 to support two isolation areas, repair kennels, epoxy surfaces, install new indoor/outdoor runs, build an outdoor play area, install cat condos, HVAC system.

#### Central New York

*Central New York SPCA* (Syracuse, Onondaga County, **NYSAPF Member, assisted by NYSAPF Ed Fund Grant Writer**): \$172,490 to support the shelter's roof replacement.

*Wanderer's Rest Humane Association* (Canastota, Madison County, **NYSAPF Member, assisted by NYSAPF Ed Fund Grant Writer**): \$450,000 for a new building, HVAC system, kennels, isolation area, and separation for dogs and cats.

#### Hudson Valley

*Pets Alive, Inc.* (Middletown, Orange County, **NYSAPF Member, assisted by NYSAPF Ed Fund Grant**

**Writer**): \$500,00 to replace the current kennel with a new modern dog kennel building, improve medical facilities for the animals, and provide dedicated space for adoption and intake.

*Town of Saugerties* (Saugerties, Ulster County, **NYSAPF Member, assisted by NYSAPF Ed Fund Grant Writer**): \$500,000 for a new building, indoor and outdoor dog housing, isolation kennels, to install proper drainage, floor heating, and a multi-level exercise and training area.

## **Long Island**

*South Hampton Animal Shelter Foundation, Inc.* (Hampton Bays, Suffolk County, **NYSAPF Member, assisted by NYSAPF Ed Fund Grant Writer**): \$500,000 for a new Behavior Training Center, which allows trainers to work with dogs in need of rehabilitation year-round.

*Town of Huntington* (East Northport, Nassau County): \$500,000 for a new dog shelter with increased kennel size, a HVAC system, new kennels, along with improved lighting and acoustic control.

*Town of North Hempstead* (Manhasset, Nassau County): \$200,000 for new kennels, new windows, renovate the multi-purpose room, HVAC system, update electrical and plumbing, and install new grooming tub and flooring.

## **2019 Grants**

### **Mid-Hudson Valley**

*Humane Society of Port Jervis-Deer Park, Inc.* (Port Jervis, Orange County; **NYSAPF Member, assisted by NYSAPF Ed Fund Grant Writer**): \$367,500 to increase capacity, repair damage, improve housing quality, and separate living areas for dogs and cats.

*Humane Society of Westchester (New Rochelle, Westchester County)*: \$500,000 to expand and upgrade its facilities by adding a new structure to improve animal socialization, training, and community education.

*Rockland County Department of Health/Hi-Tor Animal Care Center* (Pomona, Rockland County; **NYSAPF Member**): \$500,000 to replace the current animal shelter to improve enclosures, surfaces, drainage, air quality, lighting, and noise control.

*Dutchess County SPCA, Inc.* (Hyde Park, Dutchess County; **NYSAPF Member, assisted by NYSAPF Ed Fund Grant Writer**): \$312,381 to renovate its 60-year-old facility to improve animal housing, ventilation, and flooring to ensure the safety, sanitation, and health of humans and animals.

*Warwick Valley Humane Society, Inc.* (Warwick, Orange County): \$500,000 to construct a new facility to improve sanitation, drainage, lighting, and ventilation for improved overall animal wellbeing.

### **Long Island**

*North Fork Animal Welfare League, Inc.* (Peconic, Suffolk County; **NYSAPF Member, assisted by NYSAPF Ed Fund Grant Writer**): \$500,000 to renovate its recently purchased facility to create separate rooms for dogs, cats, intake, and isolation, and to improve overall housing quality.

### **Western NY**

*City of Dunkirk* (Dunkirk, Chautauqua County): \$100,000 to acquire a new building to relocate the current animal control holding center and establish a larger shelter that exceeds minimum standards requirements.

*Niagara County SPCA* (Niagara Falls, Niagara County; **NYSAPF Member**): \$500,000 to construct an in-house surgical suite to provide much-needed medical services and procedures to sheltered animals.

## **Southern Tier**

*Hornell Area Humane Society* (Hornell, Steuben County): \$93,760 to renovate the current canine housing area to create a separate area for isolation, creating better living surfaces and drainage, and improving ventilation and noise control.

## **Mohawk Valley**

*Stevens-Swan Humane Society of Oneida County, Inc.* (Utica, Oneida County): \$373,500 to increase capacity for animal holding, provision of medical care, isolate sick animals, and improve the structure of enclosures.

*Montgomery County SPCA* (Amsterdam, Montgomery County; **NYSAPF Member**): \$500,000 to construct a new facility that significantly increases capacity, sanitation, physical wellbeing, and behavioral health.

## **Finger Lakes**

*Wayne County Humane Society* (Lyons, Wayne County; **NYSAPF Member, assisted by NYSAPF Ed Fund Grant Writer**): \$138,565 to enhance the dog holding area by improving climate control, ventilation, surfaces, drainage, and lighting.

## **Central NY**

*Country Acres Animal Shelter, Inc.* (Homer, Cortland County): \$101,365 to construct a quarantine area, outdoor play area, and update current housing facilities.

## **2018 Grants**

### **Capital Region**

*Animal Protective Foundation* (Scotia, Schenectady County): \$220,867 to support the construction of a new feline care center to create group housing environments, to improve medical facilities, and to support the renovation of the current shelter, including a new heating/cooling system for improved ventilation.

### **Western New York**

*Lollypop Farm* (Fairport, Monroe County): \$500,000 for the renovation of the current shelter. The project will add sound-absorbing panels to the dog-holding area and a new heating/cooling system for proper ventilation.

*Wyoming County Animal Control* (Warsaw, Wyoming County): \$100,000 for the renovation of the current shelter. The project includes the addition of new kennels to increase safety, comfort, and capacity; a new heating/cooling system to improve heating, ventilation, and air quality; and renovations to improve infection control and daily life for the animals.

*SPCA in Cattaraugus County* (Olean, Cattaraugus County): \$164,436 for the renovation of the current shelter. The project includes the installation of a new heating/cooling system for improved ventilation and weatherization. The shelter will also create a more welcoming adoption environment.

*Town of West Seneca Municipal Shelter* (West Seneca, Erie County): \$119,775 for the renovation of the current shelter. The project includes covered kennels and a roof replacement and extension.

### **Mohawk Valley**

*Susquehanna SPCA* (Cooperstown, Otsego County): \$500,000 for the construction of a new animal shelter to replace the current structure. The project includes building a new facility on adjacent land to decrease the flooding risk and to allow for the addition of an adoption counseling area.

## **Long Island**

*Town of Islip Municipal Shelter* (Islip, Suffolk County): \$498,200 for the construction of a new animal shelter to replace the current structure. The new shelter will replace the 54-year-old current building to increase capacity and improve safety. It also includes the addition of a new surgical suite.

*Town of Smithtown Municipal Shelter* (Smithtown, Suffolk County): \$168,750 for the construction of an addition to the current shelter. The project includes the construction of a new building to house intake of animals, isolation, and trap-neuter-return areas.

## **Mid-Hudson Valley**

*Humane Society of Middletown* (Middletown, Orange County): \$439,000 for the construction of an addition and renovation of the current shelter. The project includes the construction of a new wing with quarantine and treatment areas and expanded animal housing areas to increase capacity.

*SPCA of Westchester* (Briarcliff Manor, Westchester County): \$500,000 for the construction of a new animal shelter to replace the current structure. The project will consolidate several buildings into a single, modern facility to modernize care.

## **Central New York**

*City of Oswego Municipal Shelter* (Oswego, Oswego County): \$489,375 for the construction of an addition and renovation of the current shelter. The project will weatherize the existing facility and expand quarantine areas to improve disease control.

## **North Country**

*Potsdam Humane Society* (Potsdam, St. Lawrence County): \$178,895 for the construction of an addition and renovation of the current shelter. The project will replace heating/cooling units for ventilation improvements, make repairs and modifications to kennels, and install sound-reduction materials. It will also include the construction of a detached building for long-term shelter animals to improve daily life.



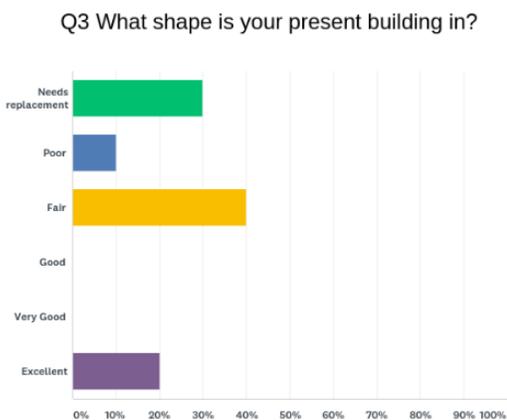
## 2021 HUMANE AGENDA

### Companion Animal Capital Fund

The Companion Animal Capital Fund has become a welcome and needed capital funding stream for animal shelters across New York State. The program has been funded in the state’s FY17-18, FY18-19 and FY19-20 budgets. We are incredibly thankful that, despite the fiscal hardship that the COVID19 pandemic have brought to the state, the awards made in late February 2020 have been fulfilled and contracts executed. We have been consistently told “the Fund is on everyone’s list.” This speaks to how important this funding has become to shelters across the state in just three short years.

***The Federation is calling upon Governor Cuomo and the New York State Legislature to include the \$5 million Companion Animal Capital Fund in the FY21-22 state budget.***

***The Federation’s 2021 Capital Needs Assessment showed the capital needs at 26 shelters across New York is over \$56.7 million.***



Animal shelters were designated as essential services/businesses when COVID hit and the state closed various sectors to protect public health. Our shelters were innovative during this time—enhancing cleaning protocols, protecting animals and increasing adoption rates through effective outreach and socially distanced adoption transactions. The Federation’s number one goal during this

difficult time was to educate shelters and keep them up to date on state mandates and advisories as well as national grant and educational opportunities.

With the FY19-20 awards, the State will have invested \$15 million at 38 animal shelters across New York. They, like all of us, are excited to make a difference in the lives of the animals in their charge by enhancing their physical plants. From new air handlers to cat condos and dog kennels to improved plumbing and sturdy roofs, this funding will enhance the quality of life of the thousands of animals who pass through the doors of these shelters as well as the work done by the dedicated professionals who care for these animals day in and day out.

## Advance Pro-Active Legislation to Enhance the Lives of Companion Animals

- **Comprehensive Shelter Standards:** The proposed bill uses the Association of Shelter Veterinarians guidelines to improve shelter management and care. It will include, but is not limited to, setting standards for training, record keeping and reporting, physical plant, housing, sanitation, veterinary care, behavior care, euthanasia, transportation and inspection.
- **Stopping the Puppy Mill Pipeline:** This bill would stop the puppy mill pipeline into New York State. Instead of selling animals (puppies, kittens and rabbits) that come from breeding factories, pet stores would have the opportunity to rebrand as humane businesses and host shelter and rescue adoption events. In 2018, pet owners across the globe spent over \$72.5 billion on their animals. It is estimated that only 2% of those sales are for puppies, kittens and rabbits from mills. It is time for New York to say no to these mills which are actual factories. In the case of puppies, female dogs are placed in cages day in and day out purely to breed. They are impregnated. They deliver. Within weeks, they're impregnated again. When they are no longer "of use" to the puppy mill, they are usually euthanized.
  - The bill passed the Senate in the 2020 session but stalled in the Assembly Agriculture Committee.
- **Veterinary Reporting of Suspected Cruelty:** One way to continue to fight animal cruelty is to require veterinarians to report suspected cruelty to police or authorized SPCA humane officers.
- **Ban Insurance Discrimination in Pet Ownership:** Presently, insurance companies routinely deny homeowners and renters insurances to people who own pit bulls. This insurance discrimination has to stop—it just reinforces the negative stereotypes about pit bulls and keeps more of them in shelters rather than in loving homes.
- **Aggravated Cruelty to Animals, AGM 353-a: Amend definition of Serious Physical Injury:** As it currently stands, when proving aggravated animal cruelty pursuant to AML 353-a, one element that must be proven is that the animal suffered serious physical injury (SPI) or death.
  - The definition of SPI is the same definition that applies to human assault cases, Penal Law § 10.00(10). This section defines SPI as "physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ."
  - Proving SPI in human injury cases is often established through the testimony of the victim as to his or her ongoing symptoms, pain and/or other impairment as compared to a prior status.
  - Since such testimony is not possible for animals, requiring the same level of proof often results in the inability to prove SPI absent extreme injury (i.e. loss of a body part). The ASPCA can offer many case examples to illustrate some serious injuries where SPI would not be provable according to the PL definition.
- **Prohibit/restrict dogs in pickup trucks:** Many states, including ME, NH, MA, CT and RI, prohibit placing animals in the beds of pickup trucks. Some states cover all animals, while others just cover dogs. New York has no such law, and while AGM Section 359 does prohibit "carrying an animal in a cruel manner" (as do to a handful of other states), to our knowledge the NY statute is not expressly applicable to dogs or other animals riding unsecured in the back of pickups.
- **Lowering the sales threshold for home-based breeders from 25 to 15: While the Pre-Emption Bill passed at the end of the 2013 session was a good start, it is clear that without pro-active measures on the state's part local governments are not going to move as quickly as hoped. Lowering the sales threshold to 15 will enable local governments to more effectively protect dogs by bringing disreputable breeders to justice. [A351 (Paulin)/S3830 (Metzger)]**

## Eliminate mandatory appearance tickets for felony animal cruelty and felony animal fighting crimes

- In order to seriously address felony animal cruelty (AGM Section 353-a) and felony animal fighting crimes (AGM Section 351), the Pre-Trial Justice Reform Act passed last year needs to be amended to exempt these crimes.
- Acts of animal cruelty can not only result in an animal's death or serious injury, but can also be intended to cause extreme physical pain or carried out in an especially depraved or sadistic manner. Given that such crimes can expose other forms of family violence and be one of the most visible parts of an entire history of aggressive or antisocial behavior, it is also important to retain the option of immediately charging and arraigning a suspect in these cases as well.
- In addition, animal fighting is very often associated with other forms of criminal activity, including illegal gambling, and drug and weapons trafficking. Probable cause is often established by way of the animal fighting statute. Therefore, an investigation into these offenses and the ability to immediately charge and arraign suspects can play a crucial role in revealing the true depth of the criminal enterprise.