

**SCOTT M.
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**BOROUGH PRESIDENT STRINGER URGES DEPARTMENT OF HEALTH TO
FOLLOW THE LAW BY MAINTAINING ANIMAL SHELTERS IN ALL FIVE
BOROUGHES**

*Files Amicus Brief on behalf of dog-rescue group Stray from the Heart urging DOHMH
to comply with the Animal Shelters and Sterilization Act of 2000*

*No full service shelters exist in the city and not a single shelter exists in Queens or the
Bronx despite law requiring City to operate full-service shelters in all five boroughs*

Manhattan Borough President Scott Stringer this month filed an amicus (friend of the court) brief with the New York State Court of Appeals on behalf of Stray from the Heart, a not-for-profit dog rescue organization, urging the court to review the group's suit seeking to compel the Department of Health and Mental Hygiene to follow the law and provide full-service, full-time care for stray dogs and cats in all five of New York City's boroughs.

"The Department of Health has strayed from their responsibility to protect New York's animals," said Borough President Scott Stringer. "Their continued refusal to provide adequate full-service, full-time care animal shelters in New York City is in direct violation of the law. We have far too few animal care facilities, and the ones that exist have so many substandard conditions that many New Yorkers avoid their services. Instead of lagging behind other major cities with our animal care system, New York City should be a leader on the issue of animal welfare."

In 2009, Stray from the Heart sued the Department of Health and Mental Hygiene for failing to provide mandatory animal care services and establish full-service shelters in all five boroughs as required by the 2000 Animal Shelters and Sterilization Act passed by the City Council. To date, no full service, full time shelters exist anywhere in the city and the Queens and the Bronx – two boroughs that account for roughly half of the City's population – have no City-operated animal shelter at all. Part-time shelters exist in Brooklyn, Manhattan and Staten Island but are out of compliance with the law.

The New York Supreme Court ruled in favor of Stray from the Heart in 2010 and ordered the DOHMH to submit a plan for the immediate implementation of their compliance with the Act. The City appealed this decision, and earlier this year the First Department of the

Appellate Division of New York ruled that Stray from the Heart lacked standing to sue because the Act, as interpreted, does not significantly address animal welfare, thereby preventing organizations such as Stray from the Heart from enforcing the animal shelter law.

With the support of the Manhattan Borough President's Office, Stray from the Heart is seeking leave to appeal the 2011 decision to the New York Court of Appeals on the grounds that Stray from the Heart has standing to sue to compel the City to enforce an Act that is fundamentally related to animal welfare in addition to public health. In his amicus brief, Borough President Stringer provides unique legal arguments bolstering Stray from the Heart's case and demonstrating that the Act indeed has a strong purpose to promote animal welfare.

In addition, Borough President Stringer emphasizes that if an organization such as Stray from the Heart, whose mission is to promote rescue and shelter dogs, has no standing to enforce a law that requires the same service, then no organization can have standing to ensure the City complies with its legal obligation to comply with this Act. Furthermore, Borough President Stringer outlines the city's history of extensive need for an adequate animal care and control system.