



Shelter Reform Action Committee (SRAC)

ShelterReform.org: Everything you ever wanted to know about the AC&C, but were afraid to ask.

September 9, 2011 Hearing of City Council the Health Committee

Breaking News:

On September 9, 2011 New York City Council's Health Committee held a hearing on a proposed bill that would swap extra funding for Animal Care & Control in exchange for relieving the Department of Health from its longstanding legal obligation to build animal shelters in the Bronx and Queens.

Four days later, in a dramatic turn of events, New York State's highest court granted rescue group Stray From the Heart's request to appeal from a ruling that rescue groups have no "standing" to sue the City for violating the Shelters Law. This appeal shifts the legal landscape for the City Council, the ACC, and the sponsors of the instant bill. If SFTH is successful on its appeal, the City must follow the law and build those shelters ... that is, UNLESS the Council fast-tracks the bill to amend the Shelters Law.

We now have ammunition to stop the Council from amending the Shelters Law and relieving the City of its obligation to build new shelters.

And we as taxpayers cannot accept a bill that allows the Department Of Health to remain in control of Animal Care and Control.

With that said, here's what happened at the Sept. 9th hearing:

The ASPCA and the Mayor's Alliance are effectively saying "let's get this deal done now because NYC's Animal Care and Control is in crisis and desperately needs money. But we can't offend the Department Of Health or the Mayor by calling out the issues. Rather, sometime "in the future" we'll figure out how to build those shelters in the Bronx and Queens, and we'll "revisit" the issue of the DOH's domination of a supposedly "independent" charity, the ACC."

Animal Care and Control and the Department Of Health are a mutual admiration society: each praising what

the other has done for homeless animals while burying the sad and abysmal facts from taxpayers. The truth is that for 17 years the DOH has dominated the ACC, always to the shelter animals' detriment. This bill ensures that for another 3 years the DOH will continue to control the ACC, that monies are misused, while claiming that all is dandy at our City's abysmal shelters, even though employees are demoralized, volunteers are turned away, medical care is disgraceful, and institutionalized neglect has become the accepted standard.

Shelter Reform, joined by Manhattan Borough President Scott Stringer, urges the City Council to deal with the core issue facing the ACC: the Department Of Health must be removed from its control over the ACC. Any monies thrown at this dysfunctional system will continue to be wasted. Shelter Reform reiterates that the sunny promises made in this dysfunctional feedback loop are not, and will never, be kept.

The bill proposed at this hearing would ensure 3 more years of lies and cover-ups and misuse of taxpayer monies.

However, with the Court of Appeals' decision to hear the appeal from Stray From the Heart, we have the chance to derail that portion of the bill amending the shelters law by relieving the City of any obligation to build shelters in the Bronx and Queens. With the added pressure of the SFTH news, perhaps the people who negotiated this bill will sit down and address the real problem.

Contact your City Council representatives and tell them to reject any bill that does not allow for the building of new shelters and for the release of the ACC from the DOH's clutches. The ACC needs money, to be sure, but it needs its freedom even more.

To View highlights from the September 9th hearing, check [Shelter Reform's youtube channel](#) for video coverage. Those videos should be available by either the night of Sept. 13, or sometime on Sept. 14th.

SRAC Synopsis of the Health Department Hearing

The City Council Health Committee heard testimony about a proposed bill directly affecting ACC funding and operations for the next three years. The bill would swap emergency funding in exchange for releasing the Department of Health from its obligation to build animals shelters in the Bronx and Queens.

It's clear this bill is being fast-tracked to pass without amendment. It will kick the ACC's problems down the road for at least another 3 years . . . While ignoring the cause of the ACC's woes – the DOH – which will be left in control of a submissive and complicit ACC Management.

As was to be expected, the DOH and the ACC sang the bill's praises.

There were some surprises from two of the bills most ardent supporters, the ASPCA and the Mayor's Alliance.

Without directly challenging the DOH or the Mayor's Office, they politely noted that shelters were still needed in the Bronx and Queens, and that the issue of the ACC Board's should be "revisited" sometime "in the future."

"In the future??"

How long must ACC shelter animals wait until the DOH is removed from its control over the ACC, so that competent management is chosen to run the shelter system? Another 17 years?

It was up to the bill's critics to point out the obvious: as long as the DOH controls the ACC, nothing good will happen to our City's homeless animals. This bill does nothing to address the ACC's core problem: its control by the DOH.

TESTIMONY IN SUPPORT OF THE BILL:

Among those testifying in support of the bill were:

- ◆ **Daniel Kass:** Deputy Commissioner of the Department of Health
- ◆ **Julie Bank:** ACC Executive Director
- ◆ **ASPCA representatives.**
- ◆ **Jane Hoffman, of the Mayor's Alliance.** (NOTE: Jane Hoffman was one of the individuals who negotiated the bill.)
- ◆ **Jessica Lappin,** councilmember from Manhattan, and the primary bill sponsor.

DOH spokesperson Daniel Kass; As to be expected, Mr. Kass put a positive spin on everything the DOH has ever done for the ACC, while painting a rosy picture of what lies ahead with the new bill:

✿ The promised funding: When questioned why there was a 3-year payout of the \$10 million in the bill, with the bulk occurring in the third year, Mr. Kass suggested the ACC would need that much time to build up staff and services. The Missing Bronx and Queens Shelters: Mr. Kass said these additional shelters aren't needed anymore. Instead, "receiving centers" and expanded Field Operations will amply substitute for those missing shelters. (NOTE: Even the ASPCA and the Mayor's Alliance don't agree with Mr. Kass.)

✿ "Receiving Centers": The Bronx "receiving center" (a small storefront) will have a modestly renovated waiting area for people abandoning their pets. The DOH hopes to purchase a former vet hospital in Jamaica to serve as the Queens Receiving Center to open in 2014. Not until 3 years from now, however, will both centers be open 7 days a week.

✿ Field Operations: The new funding will allow the ACC to "expand" (what Mr. Kass should have said was "restore") its Field Operations (ACC van drivers who pick up stray animals). Mr. Kass assured the Panel

that Field Ops will place special attention on the Bronx and Queens, thereby amply making up for the missing shelters.

Licensing: This Fall the DOH plans to roll out a media campaign to encourage dog licensing compliance.

(Of course, this doesn't explain why ... for 17 years ... the DOH has been content to fail abysmally at encouraging dog licensing compliance. But apparently, we are to believe Mr. Kass.)

Promised Funding Is Inviolate: Mr. Kass assured the Panel that the DOH cannot and would never reduce

the promised funding ... even if City finances imploded. Remember, these are the same people who 11 years ago promised to build shelters in the Bronx and Queens.

ACC Executive Director Julie Bank; In her prepared statement, explained how the ACC was “so excited” about new funding, explaining that because recent budget cuts had made the job of ACC staff and volunteers “harder.”

She said the bill would enable the ACC to see “significant” new resources and to hire more personnel. And, of course, she thanked the ACC’s good pal, the DOH.

Ms. Bank invited the council members to visit the ACC shelters to see “the amazing work we are doing.” Shelter

Reform urges council members to take Ms. Bank up on that offer, **but with these ground rules:** the ACC must

allow council members to make unannounced visits and to have access to all areas of a shelter. If the ACC balks

at these conditions, then you can be certain there’s no “amazing” work to be seen at the ACC. Only misery to be kept out of your view.

The ASPCA: ASPCA president Ed Sayres (who helped negotiate this bill) was not present to testify. He has previously asserted that the bill will make a “tremendous difference” for shelter animals. Of the 6 ASPCA reps

who were at the hearing, most discussed the importance of new funding for more TNR and protections for feral cat colonies.

The presentation by ASPCA Shelter Outreach Director Melissa Norden was noteworthy for two statements she made:

1. “We continue to believe that each borough deserves an animal shelter.”
2. “In the future we would like to revisit the issue of [the ACC] board [of directors] composition and independence,” with members having “operational expertise and the ability to fundraise.”

Thus, contrary to the DOH’s claim, shelters are indeed needed in the Bronx and Queens. In addition, the ASPCA says – albeit in a very polite way -- the ACC Board of Directors are rubberstamps for the DOH and the Mayor’s

office, and the Board must be opened to Directors who actually care about animals and can do something to help them. Why won't the ASPCA just challenge the DOH, outright and loudly?

Mayor's Alliance President Jane Hoffman; echoed Ms. Norden's two points, but in a slightly different way. Ms.

Hoffman acknowledged that shelters are needed in the Bronx and Queens, but there is a small chance that Stray

From The Heart would be allowed to appeal the June decision holding that rescuers can't sue the City. (As it turned out, Ms. Hoffman was wrong; SFTH can appeal the decision.) Ms. Hoffman said the ACC is in "crisis," and "needs the funding now, and I don't want to wait another 10 years" while people debate the bill. As for those shelters, she argued that it doesn't take a law to get them built but only political will and capital. (Obviously, for years no one in City government demanded that the DOH follow the law and build the shelters. Should we trust in the good will of City government to get those shelters built?)

Ms. Hoffman also explained that even though the ACC is an independent charity, the problem is that it doesn't have an independent board like a not-for-profit charity should. The ACC should be allowed to expand its Board of Directors to have members with "operational expertise and the ability to fundraise." (Shelter Reform would have said it bluntly: "The DOH has no place controlling the ACC Board and its operations.")

Finally, she sought to allay any concerns that the ACC or the DOH would be picking up people's cats who are allowed to roam free outside if they are not spay/neutered. She assured the Panel that no one is going to round up pet cats who roam free, but to encourage pet owners to be more responsible.

Jessica Lappin, the bill's primary sponsor, lead Mr. Kass and Ms. Bank through a series of questions to clarify what services exist today for Field Operations and for the Bronx and Queens Receiving Centers, and how the bill's funding would result in a "pretty significant change."

TESTIMONY CRITICAL OF THE BILL

Among those opposing or requesting amendment of the bill were:

- ◆ **Council Member Peter Vallone, Jr.**
- ◆ **Manhattan Borough President Scott Stringer**
- ◆ **Representatives of the rescue group Stray From the Heart** which sued the DOH and for violating the law by not building shelters in the Bronx and Queens.
- ◆ **Harris Bloom**, founder of the animal rescue group StewieToTheRescue.org
- ◆ **Shelter Reform Action Committee**, represented by **Esther Koslow**.

Council Member Peter Vallone, Jr. Was the only council member to oppose the bill. He was incredulous of DOH Kass's claim that the DOH had tried unsuccessfully – since 2000 -- to find appropriate sites for shelters in the Bronx and Queens. Mr. Vallone concluded that he could not support a bill that treats the Bronx and Queens as second-class boroughs by refusing to provide shelters for them. Mr. Vallone subsequently sent out a message explaining his position. To read press release click [here](#).

Manhattan Borough President Scott Stringer: Mr. Stringer notes that the real problem with the ACC is structural: its domination by the Department of Health whose core focus is the health of people, not animals. He offers up the Central Park Conservancy as a model to overhaul the ACC. To read a copy of MBP Scott Stringer's testimony [click Here](#) and don't forget to sign his petition [here](#).

Stray From the Heart's representatives criticized the DOH's refusal to build shelters in the Bronx and Queens. As they noted, simply because an appellate court found a rescue group doesn't have "standing" to sue

the DOH for violating the Shelters Law, that doesn't change the fact that the DOH has violated the law. And shelters ARE needed, no matter what the DOH claims. Click here to [read](#) the full SFTH statement. (And as noted above, SFTH subsequently learned that it can appeal the decision that rescue groups don't have "standing." Now the pressure is once again on the City to comply with the law ... unless this bill is rushed through and the law is changed.)

Shelter Reform Action Committee: in addition to a written statement submitted before the hearing, SRAC representative Koslow answered follow up questions from Councilmember Rosie Mendez – a bill sponsor. Ms. Mendez questioned the SRAC's choice of the Central Park Conservancy as a model for a new ACC. Ms. Koslow responded that the Conservancy is an example of a private-public partnership that **actually works**. To read more about the Conservancy plan click [here](#). When Ms. Mendez asked which would be more important -- money or changing the ACC's structure -- Ms. Koslow responded that while money is always important, any monies will be wasted if handed over to a dysfunctional system such as the ACC. Click [here](#) to read the full SRAC statement

Harris Bloom, a Wall Street Accountant and founder of a dog rescue group, challenged the composition of the ACC Board, noting that its directors have done little or nothing to attract the funding needed to run a major municipal shelter. Two of the directors are associated with Wall Street Hedge funds, and another is a marketing official at Penguin Publishing, yet none have helped raise meaningful money for the ACC. If the ACC's own directors don't help the organization, then there is something deeply wrong.

SUMMARY:

Shelter Reform agrees that something must be done now to help the ACC. But the bill should be amended to address the ACC's real problem: the DOH. It is fruitless to throw money at a dysfunctional system, and as long as the DOH has its boot on the ACC's throat, nothing good will happen for our City's homeless shelters. The Department of Health is distinctly UNhealthy for animals.