



Memorandum in Support

COMMITTEE ON ANIMALS AND LAW

Animals # 32

May 29, 2024

S. 4993-C

A.6244-C

By: Senator Martinez

By: M. of A. Stern

Senate Committee: Third Reading

Assembly Committee: Ways and Means

Effective Date: 120 days after it shall have become a law

AN ACT to amend the parks, recreation and historic preservation law, in relation to allowing the presence of dogs in state parks

LAW & SECTIONS REFERRED TO: Amends the Parks, Recreation and Historic Preservation Law to add new section 3.27, Dogs allowed in state parks.

THE COMMITTEE ON ANIMALS AND THE LAW **SUPPORTS THIS LEGISLATION**

The New York State Bar Association’s Committee on Animals and the Law supports this legislation to permit the presence of dogs in all state parks under the jurisdiction of the Office of Parks, Recreation and Historic Preservation. Areas under the jurisdiction of the Department of Environmental Conservation, including the Adirondack Park and Catskill Park, are not affected by the provisions of this bill.

A new section would be added to the NYS Parks, Recreation and Historic Preservation Law to authorize the admittance of dogs into state parks, and to grant the NYS Commissioner of Parks, Recreation & Historic Preservation the authority to adopt any rules, regulations and programs deemed “necessary for the presence and behavior of dogs conducive to the characteristics of each state park.” Authorizing the Commissioner to adopt such rules and regulations will provide clarity on when and where dogs are permitted in state parks, the responsibilities and liabilities of the owner or custodian of the dog, and the requirement of state parks to provide dog waste stations.

The Committee on Animals and the Law supports allowing dogs in NY state parks and further supports the option for specified off-leash areas,¹ as set forth in Subsection 3.27(2)(d). The

¹ Notably, dogs have been successfully permitted in NYC parks and off-leash for more than forty years. What was initially described as “courtesy hours” and later an “unwritten exception” to Section 1-04[i] of the Rules of the New York City Department of Parks and Recreation eventually evolved into legislative action to codify the exception and promulgation of enforceable regulations. Today dogs are allowed off-leash in NYC Parks before 9:00 am and after

proposed bill responsibly acknowledges the need to balance legitimate concerns, such as safety of human park visitors, environmental vulnerabilities, and protected habitats of wildlife, including birds, while also providing access to dogs. Moreover, legislation providing for dog-friendly facilities and clear rules within the state parks will result in safer environments in which humans and dogs can enjoy state parks together.

New York State parks reflect the remarkable diversity of our state's topography. The NYS Office of Parks, Recreation and Historic Preservation oversees more than 180 parks from the shores of Long Island to the mighty Niagara Falls, with Moreau Lake State Park as a gateway to the Adirondacks.² Currently, there are statewide regulations that uniformly apply to the presence of pets in all parks.³ The Commissioner can be most effective when provided with the necessary authority, and deference to OPRHP by the Legislature, to promulgate rules and regulations that are "conducive to the characteristics of each state park" as proposed by Subsection 3.27(1). Additionally, in Subsection 3.27(3), this legislation would allow the Commissioner the discretion to adopt regulations to restrict access (but not prohibit access) for the overall benefit of the environment, humans and all species of life. These regulations will provide a much-needed balance. Lastly, the Commissioner would be granted the authority to issue citations and fines for violations, including banning owners and their dogs who violate the regulations.

For the foregoing reasons, NYSBA's Committee on Animals and the Law SUPPORTS the passage and enactment of this legislation.

9:00 pm with parameters. *Juniper Park Civic Association v. City of NY et al* Index No.: 7888/2006, (*Queens Sup. Ct.*, Nov. 30, 2006, <https://law.justia.com/cases/new-york/other-courts/2006/2006-52388.html>).

² <https://parks.ny.gov/parks/>.

³ 9 NYCRR Part 377.2, Regulated activities – possession of pets.

Opinions expressed are those of the Section/Committee preparing this memorandum and do not represent those of the New York State Bar Association unless and until they have been adopted by its House of Delegates or Executive Committee.