NEW YORK STATE BAR ASSOCIATION
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April 27, 2026

Senator Addabbo
Legislative Office Building, Room 811
Albany, NY 12247

Comment Re: S.8211-A/A.8555-B

Dear Senator Addabbo,

On behalf of The New York State Bar Association's Committee on Animals and the Law, we respectfully submit the below comments and questions for your consideration concerning your bill S.8211-A / A.8555-B proposing amendments to Agriculture and Markets Law, Article 26-C (the "Shelter Standards law").

The opinions expressed are those of the 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. Please reach out to our Government Relations Director Matthew Pennello, mpennello@nysba.org, with any questions. We would also be happy to set up a time to meet with your office to discuss these comments more thoroughly.

Comments: The bill would amend the Agriculture and Markets Law, Article 26-C, which was enacted on December 15, 2022, and became effective December 15, 2025. According to the sponsor's memo, the proposed amendments are the result of conversations among a working group convened by the Department of Agriculture and Markets ("DAM") with the goal of enhancing standards of care for New York's homeless companion animals. The working group was comprised of DAM animal shelter enforcement personnel, ASPCA, and New York State Animal Protection Federation ("NYSAPF").

The Committee on Animals and the Law (COAL) strongly supported the enactment of the shelter standards law when it was passed by the legislature in 2022. Standards need to be in place to provide safe and healthy conditions for all animals in shelters and rescue facilities. The Committee supports amendments to the shelter standards law. However, the proposed amendments in S.8211-A / A.8555-B appear to have overlooked the needs of smaller shelters and rescue facilities, especially those with smaller annual budgets, typically filers of IRS Form 990-EZ, and staffed by unpaid volunteers. Unfortunately, this has had unforeseen consequences for the smaller shelters and rescues, which were not taken into consideration at the time the shelter standards law was written and supported by COAL. In light of this situation, we are asking for consideration of additional amendments to the bill, as set forth below, and because operation of smaller shelters is often different than larger operations, we further suggest that any future "working group" include representatives of smaller shelters and rescues to ensure that their needs, and those of the animals whose lives they improve, are also heard.

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We wholeheartedly applaud efforts to enhance standards of care for New York's homeless companion animals, and that includes animals who are surrendered to shelters and rescues because their owners, whether by hardship, health, or a change in circumstances, can no longer care for them. Frequently these pets are surrendered to small shelters and rescues that are known in the community but are not necessarily a well-funded SPCA or municipal shelter. Indeed, as municipal shelters have become increasingly over-crowded, some have even cautioned that surrendered pets will be euthanized because of lack of space; while the smaller shelters and rescues, funded by donations and staffed almost exclusively by unpaid, but highly dedicated volunteers, are nimble at ensuring that adoptable pets find new homes. Indeed, there is so much overcrowding that many municipal shelters transfer animals to these smaller shelters. Thus, the important role provided by smaller shelters should be a consideration in any proposed amendments to the shelter standards law, including S.8211-A/A.8555-B. This bill proposes some necessary changes to the law but may not go far enough to address all the legitimate problems that smaller shelters and rescues will have in meeting standards enacted in 2022 that are not directly related to quality-of-life care for the animals in those shelters and rescues.

As a preliminary matter, we suggest that the proposed bill provide exceptions to certain administrative provisions as set forth below which can be made with the following amendments to the proposed bill:

1. Agriculture and Markets Law Section 434, "Waiving of requirements authorized" should be expanded to authorize the Commissioner of the Department of Agriculture & Markets to waive the requirements of the statute, as it is applied to smaller shelters and rescues who are filers of IRS Form 990-EZ, and to develop guidelines for which sections and subsections of the statute should be subject to such waiver. Many municipal shelters and larger institutions are already close to or at capacity and it is the smaller shelters that provide food and veterinary care for the many unwanted animals that would otherwise be euthanized. Without such waivers and exceptions to compliance by smaller shelters, the threat of Section 433's harsh civil penalties will result in the voluntary closure of many smaller shelters, thereby resulting in even more overcrowding and euthanasias. In the end, the statute that was enacted to protect these animals will inadvertently result in their destruction.
2. Section 9 of S.8211-A / A.8555-B, exempting from licensure a dog under 4 months of age residing in an animal shelter, with a foster care provider, or a municipal pound or shelter that impounds less than 5 dogs annually and harbors not more than 2 dogs at any time, fails to recognize that most smaller shelters and rescues regularly receive dogs over 4 months of age, and also that foster care providers are often located in a different town or municipality than the shelter, thus creating additional expense to smaller shelters requiring them to license dogs twice. The proposed bill's new section 9 should be amended to extend the exemption from licensure to all dogs, and to allow the licensure to be in the town or municipality of the foster care provider.
3. The proposed bill should authorize the Commissioner of the Department of

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Agriculture & Markets to promulgate guidelines (i) designed to recognize and support the unique needs faced by smaller, volunteer-based shelters with limited budgets that typically qualify as filers of IRS Form 990-EZ and staffed almost exclusively by unpaid volunteers; and (ii) to assist these smaller shelters with compliance with the statute's requirements, such as record-keeping protocols..

4. We note that AML Section 424(a), which establishes thresholds for the number of animals co-housed in a primary enclosure at one time, states that the threshold applies "[r]egardless of the size of the enclosure." This description has resulted in situations where a 1200 square foot adoption center can only house 12 cats because it is considered "one enclosure." This language should be modified to set specific size guidelines and parameters, and allow large enclosures, common in smaller shelters, to be segmented into individual rooms that will each be allowed to house 12 cats.

Thank you for this opportunity to propose amendments to your bill that will allow the requirements of the original shelter standards law to be implemented, without forcing the closure of small shelters that cannot easily comply with standards written primarily for larger facilities. We welcome the opportunity to discuss these issues with you in greater detail.

Respectfully,

NYSBA Committee on Animals and the Law

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