NEW YORK STATE ANIMAL POPULATION CONTROL
PROGRAM CHANGES
Effective January 1, 2011

On June 22, 2010, Governor Paterson signed a measure into law as part of the 2010-2011 State Budget that moves the remainder of the dog licensing function required by Article 7 of the Agriculture and Markets Law to the level of local government, while at the same time providing additional revenue and resources to assist licensing municipalities with this transition. The new law also continues but significantly changes the New York State Animal Population Control Program (APCP).

BACKGROUND

Enacted in 1995, the APCP was initially created to reduce the population of unwanted animals in New York State by encouraging adoptions from animal shelters. This was accomplished by providing low-cost spay and neuter procedures for dogs and cats adopted from shelters, pounds, SPCAs, humane societies and animal protective associations. The New York State Department of Agriculture and Markets (NYSDAM) issued vouchers to these entities, that in turn provided them to pet adopters for spay/neuter services from participating veterinarians for $30. In 2006, this law was amended to offer such services to eligible low-income residents for $20, regardless of where they obtained their pet.

Due to the unprecedented demand created by the 2006 law, the balance in the dedicated APCP Fund — fortified primarily by a $3 surcharge on licenses issued for unaltered dogs — depleted quickly. By August 2009, NYSDAM stopped issuing vouchers for the APCP, setting a limited redemption period for vouchers already issued and suspended the program. While Governor Paterson’s initial budget plan proposed the elimination of the APCP, it was restored in the final 2010-2011 State Budget.

OVERVIEW

Pursuant to Part T of Chapter 59 of the Laws of 2010, the APCP will no longer be operated by NYSDAM as of January 1, 2011. A copy of this law is available on the NYSDAM website at http://www.agmkt.state.ny.us/AI/DogLic.html. Prior to that effective date the agency is charged with implementing a competitive bidding process through which it will award the administration of the APCP to a successful applicant (referred to in the new law as the “administrative entity”). When this Request for Proposals (RFP) is finalized, details will be made available on the Department’s website at http://www.agmkt.state.ny.us/RFPS.html.

Beginning on January 1, 2011 this selected administrative entity will be responsible for the disbursement of monies to shelters, pounds, SPCAs, humane societies, animal protective associations and other groups to carry out the purposes of the APCP. While the existing legislative intent of the program remains the same, the new statute contains several significant changes of importance to local governments, municipal shelters and animal welfare organizations. The most important of these is the transformation of the APCP from a state-operated voucher/veterinary reimbursement program to one that authorizes the chosen administrative entity to disburse grants to eligible spay/neuter programs.
ADMINISTRATION

The administrative entity chosen shall review plans submitted for approval and funding of low-cost spay-neuter programs and award grants from the APC Fund for implementation of such plans. The full balance of funds accrued in the Fund shall be dispersed to the administering entity on a quarterly basis for the purposes of administering the APCP.

The administrative entity will not have authority to award funding through the APCP to New York City programs. Provisions in Part T (pages 33-34) explicitly authorize New York City government to administer its own Animal Population Control Program, separate and apart from the new statewide APCP.

REVENUE

Several of the traditional revenue sources for the APC Fund remain intact. Provisions regarding unredeemed shelter deposits, fees associated with APCP specialty license plates, and the ability to seek out public and private sources of funding remain in the new law. The municipal surcharge on dog licenses has also been retained, but please take note that the surcharge provisions have changed as described below.

Currently, Article 7 requires a $3.00 assessment on licenses for unaltered dogs. Effective on January 1, 2011 however, licensing municipalities must collect a surcharge of at least $1.00 dollar on licenses for altered dogs and at least $3.00 on licenses for unaltered dogs (page 16, lines 39-45). Municipal action will be necessary to determine levels above these amounts. Barring the exceptions described in the following paragraphs, these surcharge dollars must still be remitted by licensing municipalities to the APC Fund on a monthly basis.

Another new provision allows surcharge revenues collected by licensing municipalities to be retained locally for the first time. County governments may choose to submit a plan to the administrative entity to implement an Animal Population Control Program within its jurisdiction (page 24, line 53). Such counties are authorized to receive the funds collected by municipalities (page 25, line 6). Such an inter-municipal financial agreement will likely require local action, be it established by contract or local law/ordinance.

County plans must include but not be limited to:

- A method of providing low-cost spay-neuter services, including an anticipated fee schedule for such services,
- Estimated size and need of the population served,
- A plan for outreach and promotion of such services,
- Demonstrable experience in providing low-cost spay-neuter services, and
- Demonstrable cost-effectiveness measures.

Should no county-level program exist, municipalities in such counties must continue to submit collected surcharge funds to the APC Fund (page 25, line 11).

As indicated above, the new law also creates a separate APCP for New York City, to be structured and operated in a manner deemed appropriate by the governing body of such city.
Therefore no licensing revenue raised in New York City after December 31, 2010 will be deposited in the statewide APCP Fund.

Though the current APCP has been dormant since October 2009, municipalities have continued to forward surcharge monies to NYSDAM for deposit into the APCP Fund. By the time the new law takes effect on January 1, 2011 the Fund balance is anticipated to be over $700,000. In anticipation of this, and in order to provide the chosen administrative entity with “start-up” resources, the 2010-2011 State Budget also ensures that this balance remains in the APCP Fund, less the amount of spay/neuter revenue remitted to the account from New York City license surcharges (that amount will be transferred to the NYC Comptroller for purposes of administering its separate program).

ELIGIBILITY REQUIREMENTS FOR ENTITIES APPLYING TO OPERATE THE APCP

The following groups are eligible to apply to serve as the administrative entity that will administer the APCP for a 5-year period (page 20, lines 13-21):

- Duly-incorporated societies for the prevention of cruelty to animals;
- Duly-incorporated humane societies;
- Duly-incorporated animal protective associations;
- Duly-incorporated non-profit corporations designated as 501(c)(3) entities by the Internal Revenue Service and operating as animal rescue organizations, animal adoption organizations, spay/neuter clinics, or other entities whose core mission predominantly includes statewide efforts to manage the companion animal population in New York state.

ELIGIBILITY REQUIREMENTS FOR ENTITIES APPLYING FOR APCP FUNDING

The following groups are eligible to apply for APCP funds for the sole purpose of providing low-cost spay/neuter procedures in their respective service areas. In the event that the service area of an entity encompasses two or more counties, such entity may apply and receive funding from the APCP Fund to serve such portion of their service area that is not covered by an existing county APCP.

- Pounds
- Duly incorporated societies for the prevention of cruelty to animals
- Duly-incorporated humane societies;
- Duly-incorporated animal protective associations;
- Duly-incorporated not-for-profit corporations designated as a 501(C)(3) organization by the Internal Revenue Service, operating as an animal rescue or adoption agency in good standing with the Office of the Attorney General’s Charities Bureau and the Secretary of State.

SHELTERS

Perhaps the most important message for shelters, pounds, SPCAs, humane societies and animal protective associations serving under contract as municipal shelters is that Part T removes the mandate that such organizations license dogs prior to adoption. This was done to ease the potential administrative burden of managing multiple sets of municipal dog tags, license applications and other forms. These organizations must now be authorized by the municipalities they serve should they desire to continue issuing licenses.
Because these shelters, pounds, SPCAs, humane societies and animal protective associations are often a major contributing factor in addressing animal population control, it is hoped that licensing municipalities will work with their contract organizations to establish mechanisms that ensure that dogs leaving the care of such facilities are ultimately licensed by the locality in which they ultimately reside. Many such mechanisms are currently in use in other states (regular submission of adoption lists to licensing municipalities, for example). There are several organizations representing the interests of animal shelters that may be able to offer guidance or make recommendations in this regard.