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BUDGET TESTIMONY
FY 2025 BUDGET LANGUAGE – COMPANION ANIMAL CAPITAL FUND (CACF)

Environmental Conservation Joint Legislative Public Hearing
February 7, 2024

Thank you for the opportunity to submit written testimony on behalf of the American Society for the Prevention of Cruelty to Animals (ASPCA) and its 230,000 supporters in New York State. Your bold and ground-breaking actions over the last several sessions to protect our most at-risk animal populations are unprecedented and have established the Empire State as a true leader in animal welfare policy. We respectfully urge your favorable consideration of the budget items below, in the interest and support of that remarkable work.

Companion Animal Capital Fund

Governor Hochul's FY25 Executive Budget includes \$5 million for the Companion Animal Capital Fund (CACF) – the third year in which the Fund has been proposed by the Executive. To date, this forward-thinking initiative has assisted 60 shelter organizations with capital improvements, from underwriting portions of new buildings to supporting improvements and expansions at existing facilities. *While not seeking additional support for the Fund beyond the amount proposed, we respectfully request your approval of the manner in which the appropriation is currently worded in the Executive's plan.*

Since its inception in 2017, \$33 million has been allocated to this exceptional initiative. However, \$7.6 million of this amount has not been granted out to animal shelters for a number of reasons, the most significant being situations where funding was awarded to shelters unable to follow through on capital plans because of cost increases. As was the case with capital projects in most sectors, this situation was most prevalent during the COVID-19 pandemic.

In response, this year Governor Hochul's CACF proposal provides that reappropriation language from all previous budget years mirrors last year's language to accomplish the following:

- Bring the animal shelter matching funds requirement down to 10%, making it easier for smaller organizations and municipalities to apply.
- Include non-residence-based rescue organizations that will be overseen by the Department of Agriculture and Markets once the Companion Animal Care Standards Act for Shelters and Rescues takes effect on December 15, 2025.

The FY25 Executive Budget make this reappropriation change but also adds language providing that any grant from the CACF made after April 1, 2024 would have the following parameters:

- Matches are kept at 10%.
- Grant amounts are set between \$20,000 and \$500,000.

- The number of municipalities a shelter serves will no longer be a factor in awarding grants.
- Shelters without municipal contracts will be awarded a minimum of \$500,000 in the upcoming grant round.
- Non-residence-based rescues will be eligible to apply for grant funding.

With your support for the language above, approximately \$12.6 million will be available in the next round of grants. Because we anticipate heavy demand due to compliance needs associated with the Companion Animal Care Standards licensing and inspection roll-out at the end of 2025, this assistance could not come at a better time.

Animal Crimes Fund

Enforcing New York's criminal animal cruelty statutes comes with a series of significant challenges, beginning with the fact that the abused animal itself is evidence of the alleged crime. Unlike all other forms of evidence, however, they are also personal property and living, breathing, sentient creatures. They cannot be placed in secure storage unattended, or in an evidence locker until a criminal case is adjudicated.

Even when removed from severely neglectful or abusive situations, the quality of life for a seized dog, cat, horse or other animal can diminish significantly in a relatively short period of time without a permanent living situation. At the same time, shelters have no way of knowing when a criminal case will be resolved. Depending upon numerous factors beyond their control, a conviction or dismissal can take months, if not years. During this same period, costs borne by impounding organizations increase proportionally and quickly become prohibitive. Animals entrusted to their care require food, water, veterinary care, and behavioral, enrichment and volunteer services that must be continuously available to the shelter's entire population.

While some impounding organizations successfully use the security petition process in current law in an effort to require accused abusers to pay these sheltering costs or convince a court to order them to surrender their pet, many have found this process expensive and untenable. While district attorneys are authorized to assist a sheltering agency in this regard, usually it is the shelter that bears responsibility for filing the security petition. The situation is especially dire in rural areas where shelters often must weigh providing care for animals or paying a lawyer to prepare the petition and represent the shelter in court.

In consideration of this long-standing and costly problem, the New York State Animal Protection Federation's proposal to create a \$2.5 million NYS Animal Crimes Fund could help eligible shelters offset the high costs of sheltering animals seized pursuant to criminal cases in all regions of the state. This problem is long-standing and well-known in municipal government, animal sheltering and law enforcement communities statewide. We respectfully urge you to seriously consider the establishment of this fund, with the understanding that protections must be simultaneously enacted to ensure efforts for recovering care costs are first directed at those accused of the animal crime.

Thank you for your time and consideration of these requests. We greatly appreciate your support, partnership and continued efforts on behalf of animal welfare.