



Feral Cats, TNR & New York City Law

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Feeding

It is not against New York City law to feed feral and stray cats. In fact, New York State is unique for making it a criminal offense to deprive any animal, including feral cats, of necessary food or water. Agriculture & Markets Law, section 353, in defining cruelty to animals, provides that, "A person who ... deprives any animal of necessary sustenance, food or drink, or neglects or refuses to furnish it such sustenance or drink, or causes, procures or permits any animal ... to be deprived of necessary food or drink, is guilty of a class A misdemeanor...."

Agriculture & Markets Law, section 353 effectively makes feeding bans illegal anywhere in New York State. That does not mean, however, there are no restrictions. In New York City, the feeding of cats is illegal if it is done in a manner that creates a public health hazard or nuisance. For example, if someone is feeding a large number of cats, but none of them are sterilized, there is a constant noxious odor, the cats are yowling every night, food is left out and rotting, and there is feces or other waste left lying around, this would clearly violate New York City public health regulations. So it is important to get the cats fixed and feed them in a manner that is sanitary.

Also, even though feeding is legal, other laws cannot be violated in order to do the feeding. For example, trespassing on someone else's property to feed cats is still a trespassing offense. But the answer to the often asked question, "Is it legal to feed the cats on a public sidewalk?" is "Yes!" provided the feeding does not create a health hazard or nuisance.

Rabies vaccinations

New York City Health Code, section 11.66 requires that "any person who owns or harbors in New York City, a dog or cat three months of age or older" must have the dog or cat vaccinated for rabies. There are some exceptions, such as an animal whose health would be harmed, but these exceptions don't apply here. Whether someone who manages a feral cat colony "owns or harbors" them for purposes of the rabies vaccination requirement is a case-by-case judgment call. If someone is feeding the cats on their front porch and putting out shelters in the backyard, it's likely the Dept. of Health (DOH) will consider the feeder to be harboring them. Whether DOH would consider the same to be true for a caretaker of cats located in a public park is more difficult to predict.

If a DOH inspector requires proof, documentation of a current rabies vaccination for each cat would be necessary. The best documentation would be a rabies certificate and tag. Sometimes clinics and veterinarians will hold the certificates for you.

Lost and found cats

Often when performing TNR, a friendly cat is captured and then placed for adoption. In most cases, the cat was likely abandoned and issues concerning the former owner will never arise. We have seen it happen once in a while though that a former owner has attempted to re-claim a captured friendly cat, even after the cat was placed in a new (and better) home.

The best way to protect yourself and the cat from a less-than-satisfactory former owner trying to re-claim him is to file a “found animal” report with AC&C as soon as possible after the trapping. This can be easily done on AC&C’s website (www.nycacc.org). If within 48 hours the “found” report does not match up with a “lost” report filed by the former owner, legal custody of the cat can be transferred to you by AC&C. After you have legal custody, any future adoptive placement will be protected from a claim by the former owner.

Poisoning/euthanasia

In New York State, poisoning or attempting to poison any animal is a criminal offense under Agriculture & Markets Law, section 360. It may also constitute cruelty under Agriculture & Markets Law, section 353 or aggravated cruelty under Agriculture & Markets Law, section 353-a, both also criminal offenses. Only incorporated shelters and, in some circumstances police officers, are legally permitted to euthanize any lost, abandoned, homeless, stray or unwanted animal (Agriculture & Markets Law, section 374).

Pets in housing

New York City has what is popularly known as the “Pet Law,” which applies to rental housing. Under the law, a landlord cannot force a tenant to give up a pet under the following circumstances: (a) the tenant has kept the pet in the unit openly and notoriously for a period of three months or more, (b) the owner or his or her agent has knowledge of this fact, (c) the landlord has failed within the three month period to institute a proceeding in Housing Court to enforce a provision in the lease prohibiting the harboring of the pets in question. If these conditions are met, the “no pets” clause in the lease is deemed waived. The Pet Law’s protections do not apply if keeping a pet in the rental unit is illegal under other city laws, or if the pet is creating a nuisance or health hazard.

TNR and the Law recorded webinar session with Petsmart Charities:
<https://petsmartcharities.webex.com/>