

ISSUE PAPER SERIES



Understanding the New Regulatory Standards for Animal Shelters

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NEW YORK STATE TUG HILL COMMISSION

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The Tug Hill Commission Technical and Issue Paper Series are designed to help local officials and citizens in the Tug Hill region and other rural parts of New York State. The Technical Paper Series provides guidance on procedures based on questions frequently received by the Commission. The Issue Paper Series provides background on key issues facing the region without taking advocacy positions. Other papers in each series are available from the Tug Hill Commission. Please call us or visit our website for more information.



Table of Contents

Introduction.....	2
Overview of Article 7: Dog Licensing and Control	2
Purpose and Scope of Article 7	2
Overview of Article 26-C: Regulation of Animal Shelters	3
Applicability	3
Impacts of Article 26-C on Municipalities and Shelters	4
Impacts on Municipalities.....	5
Impacts on Shelters	5
Local Effects of Article 26-C on Dog Control Officers and Municipalities	5
Action Steps for Municipal Compliance	6
Resources for Implementation and Support	9
Appendix A: Comparing Article 7 and Article 26-C	10

Introduction

The responsibilities of local governments regarding animal control and sheltering in New York State (NYS) were shaped primarily by Article 7 of the Agriculture and Markets Law (AGM). This law focuses on the licensing, identification, and control of dogs, requiring municipalities to appoint dog control officers (DCOs), seize unlicensed or dangerous dogs, and ensure minimal sheltering conditions for seized animals. While Article 7 provided a basic legal structure for municipal dog control, it did not establish legally enforceable care or operational standards for animal shelters. New AGM Article 26-C, which augments but does not replace Article 7, seeks to provide state-level oversight and consistent quality in shelter operations primarily by taking already established standard operating procedures for municipalities and putting them into law. While Article 26-C is designed to uphold minimal operational standards, it has introduced significant burdens to municipalities, including increased facility expenditures and greater veterinary service demands. As a result of these challenges there has been growing interest in regional collaboration to establish joint county, or municipal run and funded shelter facilities.

Overview of Article 7: Dog Licensing and Control

Purpose and Scope of Article 7

Since 1978, Article 7 of the NYS AGM Law has governed local dog control programs across the state. It was created to manage the ownership, movement, and behavior of dogs, with the goal of protecting public safety, promoting responsible ownership, and reducing nuisances and attacks on people, animals, and property. This law is applicable statewide, with the exception of New York City, and places primary responsibility for enforcement on towns, villages, and cities.

Licensing and Identification:

- All dogs four months of age or older must be licensed by the municipality in which they reside.
- Each licensed dog must wear a municipal identification tag at all times.
- License fees are determined locally but must include a minimum surcharge for unspayed or unneutered dogs.
- Municipalities may waive fees for service dogs, war dogs, or dogs trained for law enforcement purposes.

Rabies Vaccination:

- No dog license may be issued unless the dog has a valid rabies vaccination, in accordance with public health requirements.

Dog Seizure and Impoundment:

Municipalities must appoint DCOs or authorize local police to enforce Article 7. DCOs are empowered to seize and impound dogs that are:

- unlicensed.
- unidentified and off their owner's premises.
- dangerous or in violation of local leash or nuisance laws.
- in violation of any other local law which the DCO is hired to enforce.

Seized dogs must be held for a minimum statutory holding period, during which the owner has the opportunity to redeem the animal. The required holding time is five days for unidentified dogs;

Understanding the New Regulatory Standards for Animal Shelters

seven days for identified dogs when personal notification is provided; and nine days when notification is made by certified mail. Municipalities may extend these timeframes by local law, but cannot shorten them below three days or seven days when certified mail is used. Different timelines apply in cases involving dangerous dogs, as court proceedings may be required.

Recordkeeping and Compliance:

- Municipalities must maintain records of all dog licenses, seizures, and shelter depositions. These records must be preserved for at least three years and be made available to the NYS Department of Agriculture and Markets (DAM) upon request.

Local Enforcing and Contracting:

- Municipalities may operate their own municipal animal shelter, or contract with duly incorporated SPCAs, humane societies, or animal protective associations to provide shelter services or some combination of these services.

Overview of Article 26-C: Regulation of Animal Shelters

Enacted as part of Chapter 683 of the Laws of 2022, AGM Article 26-C becomes effective on December 15, 2025, and establishes mandatory licensing, enforceable care standards, and regular inspections for both municipal and not-for-profit shelters that house cats and dogs. The legislative intent behind Article 26-C is to replace a fragmented and largely unregulated system with uniform, accountable, and humane standards. The law aims to enhance the well-being of animals in shelter environments while improving public trust in the animal sheltering system. Article 26-C does not replace Article 7.

Applicability

Article 26-C applies to:

- municipal animal shelters.
- duly incorporated SPCAs, humane societies, and rescue organizations that provide sheltering or rehoming services.
- entities operating under contract with local governments to provide care for seized or surrendered animals.

It does not apply to:

- boarding kennels (where ownership of the animal is retained).
- licensed pet dealers.
- personal residences of foster caregivers.
- licensed veterinary hospitals or wildlife rehabilitators.

Licensing and Inspections

- all covered shelters must obtain a state license issued by the Department of Agriculture and Markets.
- licensed shelters will be subject to periodic inspections to ensure compliance with care and facility standards.

Personnel Training

- staff and volunteers who work directly with animals must receive formal training within 60 days of employment and annually thereafter.

Understanding the New Regulatory Standards for Animal Shelters

- required topics include humane handling, disease prevention, animal behavior, and documentation practices.

Care Standards

Shelters must meet detailed, legally enforceable standards for:

- **Animal housing:** Adequate space, ventilation, sound control, and stress-reducing features.
- **Sanitation:** Daily cleaning, appropriate disinfectants, and clear protocols to control disease spread.
- **Feeding and veterinary care:** Life-stage-appropriate nutrition and timely access to medical treatment under veterinary supervision. All incoming animals shall be assessed within two hours after intake by a trained animal shelter staff member to determine if any physical abnormalities exist that require immediate veterinary attention.
- **Behavior and enrichment:** Measures to prevent stress, promote mental well-being, and collect behavior histories at intake.
- **Foster care:** Foster homes must also meet defined care standards if animals are housed off-site.

Recordkeeping

- detailed records for each animal must be maintained for a minimum of three years.
- records must include intake assessments, health monitoring, vaccinations, housing changes, and outcomes.

Enforcement and Penalties

DAM is authorized to:

- issue violations and set deadlines for corrective action (typically 10 days; 72 hours in urgent cases).
- suspend or revoke shelter licenses for serious or repeated noncompliance.
- impose civil penalties ranging from \$100 to \$1,000 per violation.

To help municipalities and shelters meet infrastructure and care requirements, Article 26-C is supported by access to the Companion Animal Capital Projects Fund, which provides competitive state grants for capital improvements, including kennel upgrades, HVAC systems, and isolation spaces, for both municipal and not-for-profit shelters.

Impacts of Article 26-C on Municipalities and Shelters

The implementation of Article 26-C represents a shift in how the State of New York views the role of animal shelters and the municipalities that support them. While Article 7 focused primarily on dog control, Article 26-C introduces a regulatory framework centered on animal welfare, operational accountability, and enforceable standards of care, which were formerly provided under municipal shelter guidelines, rather than outlined in legislation. The implementation of Article 26-C may affect municipal governments, animal control officers, and shelter partners by introducing new considerations for compliance and coordination. However comparable standards of care have been in place for many years, as outlined in New York Code of Rules and Regulations (NYCRR) Title 1, Part 77.2 “Standards for the Care of Seized Dogs”.

Understanding the New Regulatory Standards for Animal Shelters

Impacts on Municipalities

Increased Oversight Responsibilities

Municipalities that contract with shelters or operate their own must now ensure compliance with Article 26-C's licensing, training, and facility requirements. Contracts that were once service-based must now reflect the legal obligation to meet state-mandated standards.

Contract Review and Legal Liability

Municipal attorneys and administrators should review and amend contracts with shelter providers to include Article 26-C compliance. Failing to do so could expose the municipality to liability if animals are housed in non-compliant conditions or if a provider faces enforcement action from the state.

Ongoing Documentation and Inspection Readiness

As has been the case for municipal shelters for years, shelters operating under municipal contracts will also be subject to state inspection going forward. This requires a system of recordkeeping, including animal intake logs, medical care notes, staff training documentation, and housing assignments, all retained for at least three years.

New Infrastructure Expectations

Municipal shelters may need to upgrade facilities to comply with Article 26-C (e.g., isolation rooms, ventilation systems, sound reduction, appropriate space for housing). These improvements may require capital investment, which municipalities must plan and budget for proactively.

Access to State Funding for Shelter Improvements

The Companion Animal Capital Projects Fund provides an opportunity for municipalities and their shelter partners to apply for competitive grant funding to help meet new infrastructure and care standards. This is a valuable resource, but planning and early coordination will be essential to take advantage of it.

Impacts on Shelters

Licensing and Compliance

All covered shelters, municipal and nonprofit alike, must obtain a state license to operate. This shifts the shelter from being a local service provider to being a state-regulated entity.

Staff Training Requirements

Shelters must implement ongoing training for all staff and volunteers with animal contact, ensuring coverage of topics like humane handling, zoonotic disease prevention, and behavior assessment.

Veterinary Care and SOPs

Shelters must establish written veterinary protocols, ensure that treatments are overseen by licensed professionals, and align their operations with standards published by national veterinary organizations.

Behavior and Enrichment Standards

Facilities must implement practices to support mental and behavioral well-being for every animal, including stress-reducing environments and enrichment strategies especially for long-term stays.

Local Effects of Article 26-C on Dog Control Officers and Municipalities

This section summarizes conversations with local DCOs serving in various municipalities in the Tug Hill region. The purpose of speaking to local DCOs was to develop a better understanding of the practical implications of Article 26-C on municipal animal control operations.

Understanding the New Regulatory Standards for Animal Shelters

Observations from Interviews:

Low Intake and Facility Utilization

Several DCOs reported that their areas experience very low numbers of impounded dogs annually, with some reporting as few as nine impoundments per year. The numbers vary significantly from month to month. Most impounded dogs are strays. As a result they are not being claimed, and no impoundment fees are being recovered by the municipalities. This makes the cost of constructing or renovating shelter facilities difficult to justify. Concerns were also raised about shelters sitting mostly vacant unless shared regionally or opened to intake from other municipalities.

Veterinary Requirements and Associated Costs

Concerns were expressed about the mandate to have veterinary care immediately accessible. Some questioned whether DCOs should retain discretion to delay veterinary treatment during the state-mandated holding period to avoid unnecessary medical costs or risks, such as over-vaccination. This is not to suggest that animals would not receive necessary medical care, only that discretion should remain with the DCOs. The added financial burden of maintaining veterinary contracts was noted as a key concern for both municipalities and private facilities. In multiple counties, emergency veterinary services are unavailable overnight. In some cases, the nearest facility providing 24-hour care is more than an hour away, prompting DCOs and municipalities to explore private contracts for after-hours care, though this introduces additional costs.

Shelter Access and Housing Challenges

DCOs have reported that shelters are frequently at capacity, which has forced some to house dogs at private facilities, however, they are not always compliant with Article 26-C. Under this provision privately owned kennels will need to be brought into compliance if they wish to continue to house dogs on behalf of a municipality. This raises concern over the lack of available financial support for private facilities. While funding does exist in the form of grants for municipalities and humane societies, it is generally not available to private owners unless directly contracted with a municipality. Some municipalities and humane societies have secured grants to expand shelter capacity and make improvements to comply with Article 26-C.

Regional Collaboration and Shared Services

There has been growing interest in exploring regional solutions, such as county-run shelters or shared shelter services among neighboring municipalities. However, in practice, to date these initiatives have gained limited support or momentum in some areas. In contrast, several municipalities have successfully partnered with their local humane societies (Lewis and Jefferson County humane societies), assisting with grant applications to fund facility expansion. As a result, these collaborations have secured additional kennel space that DCOs can utilize in their daily operations.

Push for Exemptions and Delay

Several DCOs have noted that they and their municipalities are in a holding pattern, as they await further guidance or clarification on the final regulatory standards expected to be released in December 2025. Some municipalities are considering requesting exemptions, citing the impracticality or disproportionate burden for low-intake jurisdictions.

Action Steps for Municipal Compliance

- Review shelter agreements to ensure compliance with Article 26-C requirements.
- Coordinate with shelter partners to evaluate readiness for licensing and inspection.
- Plan for facility upgrades where needed, using state funding opportunities when possible.

Understanding the New Regulatory Standards for Animal Shelters

- Ensure staff and DCOs are informed and trained on evolving responsibilities and documentation requirements.
- Consult legal counsel to reduce liability and ensure that local ordinances and contracts reflect new state mandates.

Municipal Compliance Gap Analysis Tool

To support these steps, municipalities can benefit from a more detailed self-assessment process. The following gap analysis process is designed to help identify specific areas where additional planning, resources, or partnerships may be needed to achieve compliance with Article 26-C.

Section 1: Legal and Operational Foundation

- Does the municipality currently have a contract with an animal shelter?
- Is the existing shelter arrangement compliant with Article 26-C?
- Does the municipality own or operate a shelter?
 - If yes, what upgrades or changes are needed to achieve compliance?
 - If no, has a building or space been identified as being able to be renovated or constructed?
- Has the municipality explored regional collaboration or shared services?
 - If yes, what services or partnerships were considered?
- Is there any existing system of recordkeeping?
 - If yes, is it digital or paper-based, and where is it stored?
- Have any grants been applied for to facilitate compliance with Article 26-C?

Section 2: Facility Access and Intake Logistics

- Where are stray or seized dogs currently brought (e.g., vet clinic, private residence, partner shelter, humane society)?
- What is the distance from the municipality to this facility?
- Do these facilities consistently have space or the capacity to take animals?
- What is the average length of stay for impounded dogs?
- What costs are incurred by the municipality for holding animals?
 - Are these costs passed on to the dog owner?
 - If dogs go unclaimed who bears the cost of care?
- Are there emergency intake plans for severe weather, after-hour pickups, or overflow situations?

Section 3: Animal Care and Facility Standards

- Is a licensed veterinarian under contract or available on call?
 - If yes, what is the cost incurred by the municipality?
 - If no, where is the nearest veterinary clinic, what are their hours, and what are the associated transport and care costs?
- Are impounded animals housed in secure kennels or crates?
 - Are animals protected from outdoor elements (i.e., is the kennel heated or cooled)?
- Do facilities meet the structural and care requirements set forth in Article 26-C?
 - Is there adequate indoor space for animals to stand, sit, lie down, and turn around comfortably?
 - Is there proper ventilation and sound control to minimize stress?
 - Does the facility protect from extreme temperatures, drafts, and precipitation?
 - Can sick or aggressive animals be separated from the general population?
 - Is daily cleaning and waste disposal being conducted with the approved disinfectants?

Understanding the New Regulatory Standards for Animal Shelters

- Is life stage appropriate food and clean water being provided at all times?

Section 4: Staffing and Training

- Who is responsible for responding to animal complaints?
 - If there is no dedicated DCO, who handles these duties?
 - Has an alternate to the DCO been identified in the case they are not available?
- Has there been turnover in the DCO role? If so, why?
- Have all staff and volunteers received the required Article 26-C training?
 - If not, what would it cost to bring personnel into compliance?

Section 5: Financial Capacity

- Is there a dedicated budget line for animal control services?
 - How much funding is currently allocated?
- What revenue is generated from dog licensing, impound fees, or adoptions?
- How many dogs in the community are licensed?
 - What efforts are being made to ensure all dogs in the community are licensed and licenses are being renewed?
- What is the cost to license a dog, and is that price comparable to other municipalities in the region?
- If a DCO is injured by a dog while on duty, who assumes responsibility for medical costs or liability (considering a shared services model)?

Section 6: Long-Term Planning and Alternatives

- If there is no shelter currently, are there feasible locations for one (e.g., municipal land, highway barns, un-used buildings)?
- Are there opportunities to partner with humane societies, county shelters, or neighboring towns?
 - If yes, which partners and locations are under consideration?
- What would a realistic timeline look like to construct, upgrade, or share a shelter facility-particularly under a shared services model?

Understanding the New Regulatory Standards for Animal Shelters

Resources for Implementation and Support

Shelter Licensing and Training Tools

- NYS Department of Agriculture & Markets – Companion Animal Program
Information on shelter licensing, inspection, and guidance.
www.agriculture.ny.gov/animals/shelter-and-rescue-registration
www.agriculture.ny.gov/animals/guidance-municipalities
- Fear Free® Shelters Training (*Free online course*)
Staff training on humane animal handling and stress reduction.
www.fearfreeshelters.com
- ASPCApro
Shelter management, training videos, SOP templates.
www.aspcapro.org
- UC Davis Koret Shelter Medicine Program
Evidence-based tools and best practices for animal shelter operations.
www.sheltermedicine.com
- National Animal Care and Control Association
Standards, guidelines, and certification program
www.nacanet.org
- DCO and Shelter Manual
www.agriculture.ny.gov/animals/dog-control-officer-municipal-shelter-guide

Funding and Grant Programs

- NYS Companion Animal Capital Projects Fund
Supports capital improvements to municipal and nonprofit shelters.
www.agriculture.ny.gov/rfp-0342-companion-animal-capital-projects-fund
- Maddie's Fund
Grants for innovation in shelter operations and lifesaving programs.
www.maddiesfund.org

Model Documents and Compliance Templates

- Sample Shelter Inspection Checklists and Training Logs available in the NYSAPF Care Standards Manual (Appendix sections).
- Shelter and Rescue Registration: www.agriculture.ny.gov/animals/shelter-and-rescue-registration
- Daily Health and Behavior Monitoring Logs Templates provided in the Article 26-C guidance documents and recommended by the ASV (Association of Shelter Veterinarians).

Understanding the New Regulatory Standards for Animal Shelters

Appendix A: Comparing Article 7 and Article 26-C

Feature	Article 7 (Current Law)	Article 26-C (Effective Dec 15, 2025)
Purpose	Dog licensing, identification, and local control	Regulation and oversight of animal shelters and care standards
Scope	Applies to municipalities managing dog control and impoundment	Applies to all municipal and nonprofit animal shelters housing cats and dogs
Animals Covered	Dogs only	Dogs and cats
Licensing of Facilities	No state licensing required for shelters, notification to Department of Agriculture and markets required within 30 days regarding any change to DCO or municipal dog shelter service.	Mandatory licensing of shelters by NYS Department of Agriculture & Markets
Inspections	Yearly inspections	Regular inspections by state officials to verify compliance
Care Standards	Outlined in NYCRR Title 1 Section, 77.2	Legally enforceable care standards for housing, feeding, medical, and behavior
Veterinary Care	Outlined in NYCRR Title 1 Section, 77.2	Written veterinary protocols and treatment under licensed vet supervision required
Staff and Volunteer Training	Not required by statute	Mandatory training within 60 days of hire and annually thereafter
Behavioral Assessment	Not addressed	Required behavioral history at intake and enrichment protocols
Recordkeeping	Seizure and license records required for dogs only	Full recordkeeping for all animals including intake, medical, and outcome records
Holding Period	5 days (no ID); 7 days (ID with personal notification); 9 days (certified mail notification)	Holding periods governed by Article 7
Municipal Role	Appoint Dog Control Officers; contract for dog housing if necessary	Ensure contracted shelters are licensed and compliant with state law
Contract Oversight	Minimal requirements for contracted shelters	Contracts must align with Article 26-C standards and licensing requirements
Enforcement	Local enforcement; limited state oversight	State enforcement with authority to issue violations, fines, and suspend licenses

Understanding the New Regulatory Standards for Animal Shelters

Feature	Article 7 (Current Law)	Article 26-C (Effective Dec 15, 2025)
Penalties for Noncompliance	Not clearly defined	Civil fines up to \$1,000 per violation; mandatory corrective actions
Capital Funding Support	Not provided under Article 7	Eligible for Companion Animal Capital Projects Fund for shelter upgrades
Foster Care Regulation	Not addressed	Foster care homes must meet defined care and recordkeeping standards