



## The Public Advocate for the City of New York

Betsy Gotbaum  
Public Advocate

October 31, 2006

Rena Bryant  
Secretary to the Board of Health  
Office of the General Counsel for Health  
125 Worth Street, CN-31  
New York, NY 10013

### **RE: Amendment to Article 161.05 of the Health Code (Off-leash Policy)**

Dear Ms. Bryant:

I am writing to express my strong support for the continuation of the city's off-leash practice and to state that I am in favor of the Health Department's proposed amendment to Article 161.05 of the Health Code.

As the Public Advocate, I answer many complaints about city government. Since this issue arose, I have heard from hundreds of New Yorkers who want to see the off-leash policy continued. As a former Parks Commissioner and dog owner, I also know first hand that this policy, in conjunction with responsible dog ownership, is a proven success that is good for all New Yorkers.

Under the current policy, dogs are only permitted off-leash at off-peak times: from 9 PM until parks close, and again from the time parks open until 9 AM. Furthermore, off-leash dogs are only permitted in certain designated areas, so those who do not enjoy the presence of dogs can choose to avoid them. Although more dog runs would present an alternative to the off-leash policy, the city neither has the finances nor the land needed to meet the need. Currently, there are fewer than 50 dog runs for 1.4 million city dogs. Given New York City's limited park space and resources, the off-leash policy reasonably accommodates both dog-owners and non-dog owners.

Beyond these considerations, the off-leash policy also provides benefits for both canines and humans. Off-leash exercise and socialization are integral to the life of a city dog. Many prominent studies demonstrate that dogs that exercise and socialize off-leash are less aggressive, and more attuned to urban living. For many New Yorkers, city parks are their backyards. Allowing their dogs off-leash in these parks is the only way to properly exercise and socialize their dogs.



According to Health Department statistics, prior to the implementation of the off-leash policy, dog bites exceeded 40,000 citywide. During the approximately twenty-year period in which the off-leash policy has been in effect, these numbers have consistently fallen. In 2005, the number of dog bites dropped to less than 4,000. Of these bites, only 86 (2.2%) occurred in city parks. In 2006, the number of bites is actually down 6.1% from last year. While each dog bite is unfortunate, the evidence suggests that an end to the off-leash policy would lead to more bites, not fewer.

By promoting public awareness, providing signs that explain the off-leash policy, and clearly stating designated off-leash areas and hours, the city can improve upon this successful policy. I commend the Department of Health for putting forth the suggested amendments and believe that greater licensing and vaccination of city dogs will further support the current policy.

It is my hope that this policy will be clarified and continued for the benefit of all New Yorkers. Should you have any questions, please do not hesitate to contact Darren Bloch, Director of Intergovernmental and Community Affairs, at (212) 669-4188. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Betsy Gotbaum", with a long horizontal flourish extending to the right.

Betsy Gotbaum  
Public Advocate

CC:

Norma Torres, Director, Veterinary Public Health Program  
Edgar Butts, Assistant Commissioner for Veterinary and Pest Control  
Martha Robinson, Esq., Counsel, Board of Health

STATEMENT BY HENRY J. STERN,

FORMER NEW YORK CITY PARKS COMMISSIONER  
(1983-90, 1994-2002)

November 1, 2006      Board of Health

When I was Commissioner of Parks and Recreation for the City of New York, the dog issue was indeed vexing.

The absolute rule of the Health Department forbidding unleashed animals anywhere in the city was clearly inappropriate here. There are times and places where dogs should be allowed to run free, whether in an enclosed area or not. There are many more places where dogs should not be allowed to run free.

The decision as to how to divide park space geographically should be made by the Commissioner of Parks and Recreation, with advice from community groups and others interested in the issue.

The solution I formulated was based on the decision of Pope Alexander VI in 1493 on the issue of who should colonize South America. He ruled that east of the 50th meridian the Portuguese should prevail, and west of the 50th meridian the Spanish were given his permission to conquer the Indians and take their land.

Without approving the colonialism implicit in his decision, I ruled that we would divide the parks by time of day. After some adjustment, we found that 9 am to 9 pm were hours when parks were most widely used, often by children, while from 9 pm to 9 am, there was lesser use, and it was primarily by adults.

I decided that we would concentrate our enforcement efforts during the hours when children were more likely to be in the parks, and we did. The result was generally considered equitable, although there were dog-lovers and dog-haters that resisted any compromise.

My decision also led to the growth of dog runs, of which there are now several dozen in the parks. In these fenced areas, dogs are permitted to run free under the supervision of their human companions (Owners and masters are sometimes considered politically incorrect words, although I have heard no objections from dogs.)

It seems clear to me that the allocation of space and time within the parks between the species is a matter for the Commissioner of Parks to decide. Such latitude should be provided by the Board of Health, and the current draconian statute should be modified for the health, satisfaction and pleasure of New Yorkers, both humans and animals.

I hope that common sense prevails, and that we no longer criminalize the conduct of thousands of law-abiding New Yorkers who enjoy the company of another variety of God's creatures.

New York Civic  
450 Park Avenue South, 5th floor  
New York, NY 10016

212-564-4441 office



City of New York  
Parks & Recreation

The Arsenal  
Central Park  
New York, New York 10021

Adrian Benepe  
Commissioner

June 13, 2006

Ms. Susan Washburn Buckley  
President  
Central Park PAWS




Dear Ms. <sup>SUSAN</sup>~~Buckley~~:

Thank you for your letter concerning our dog leash policy.

The New York City Department of Parks & Recreation strives to accommodate the interests of all its patrons, including both dog owners and non-dog owners. We believe that our current regulations and policies adequately address this balance and do not intend to eliminate our "courtesy hours" policy from City parks. Unfortunately, as you may know, the City is being sued for failing to enforce the leash law around the clock. The case is being heard by Judge Peter Kelly on June 27 at 9:30 a.m. at the Queens Supreme Courthouse.

Central Park is a great example of this policy's success. Indeed, our "courtesy hours" have encouraged people to take advantage of Central Park during those hours when it is more lightly used, and as a result, the park is safer because of the presence of a positive user group.

If you have any further questions, please call our General Counsel, Alessandro G. Olivieri, at .

Sincerely,

Adrian Benepe