

## NYC Health Code, Article 161.23, as found in Title 24 of the Rules of the City of New York

### §161.23 Sterilization of shelter animals.

(a) *Sterilization required.* No animal shall be released from an animal shelter for adoption by or return to a resident of the city of New York without first being spayed or neutered, except if the animal is exempt from sterilization pursuant to §17-804 of the Administrative Code.

(b) *Release to animal rescue groups.* Whenever practicable, animals shall not be released by a shelter to an animal rescue group without first being spayed or neutered when such animal is being taken by the animal rescue group to assist in its adoption by others, except if, in the judgment of the shelter veterinarian, the health of the animal would be compromised by sterilization surgery at the time of release to the rescue group. No dog may be released by an animal rescue group to a person who resides in the City of New York unless the dog is sterilized and licensed pursuant to §161.04 of this Article.

(c) *Objections to sterilization.* Any resident of the City of New York seeking to redeem an animal from a shelter and objecting to its sterilization may bring a cause of action in a court of competent jurisdiction seeking a declaration that such animal need not be sterilized.

(1) Upon delivery to the shelter operator of a bond in the amount of \$20,000, the animal shall be returned to its owner.

(2) The bond amount shall be returned to the owner at the conclusion of the litigation, if the owner prevails in such litigation.

(3) The bond shall be forfeited if

(A) No cause of action is commenced within three months of the release of the animal to its owner, or

(B) The owner does not prevail in such litigation, and the animal either is (i) not returned to the shelter for sterilization or (ii) verifiable proof of sterilization is not submitted to the shelter.

(4) *Spay neuter fund established.* Sums collected from forfeited bonds shall be transmitted by the shelter operator to the Fund for Public Health in New York, Inc., or other not for profit agency approved by the Department, and placed in an animal spay neuter fund to be established by such fund or other agency. Expenditures of such collected sums shall be authorized by the Department to pay for free or low-cost animal sterilization services.