

§ 421. License required and inspection of facilities.

1. Any person eligible for exemption from the definition of pet dealer pursuant to paragraphs (b) and (c) of subdivision four of section four hundred of this chapter shall be licensed by the department pursuant to the provisions of this section. Notwithstanding the foregoing, any person, operating an animal shelter on or before the effective date of this section, who has filed an application for an initial license under this article is hereby authorized to operate without such license until the commissioner grants or, after notice of an opportunity to be heard, declines to grant such license. Each application for license shall be made on a form supplied by the department and shall contain such information as required by the commissioner. Renewal applications shall be submitted to the commissioner at least thirty days prior to the commencement of the next license year.

2. Application for licensure as set forth in this section shall be made annually to the commissioner on a form prescribed by the commissioner. Such form shall include but not be limited to the following information, provided however that paragraphs (a), (b) and (c) of this subdivision shall not apply to municipal pounds or shelters as defined in paragraph (b) of subdivision four of section four hundred of this chapter: (a) Proof of the applicant's tax exempt designation pursuant to paragraph 3 of subsection (c) of section 501 of the federal Internal Revenue Code, 26 U.S.C. 501, or any subsequent corresponding sections of the federal Internal Revenue Code, as from time to time amended; (b) Proof of the applicant's incorporation as a not-for-profit organization in this state pursuant to the not-for-profit corporation law, provided further that such organization is in good standing with the attorney general and the department of state; (c) Proof of the applicant's registration with the attorney general pursuant to article seven-A of the executive law; (d) If the applicant is a municipal pound or shelter as defined in paragraph (b) of subdivision four of section four hundred of this chapter, a copy of the applicant's employer identification number; (e) The name of the applicant and the name or names under which the applicant offers its services to the public, any name under which the applicant has offered such services to the public during the past five years, and whether the applicant has ever held a pet dealer license issued pursuant to article twenty-six-A of this chapter; (f) The address and telephone number of the applicant and for any other premises owned or leased by such applicant's organization to carry out the purposes for which it was incorporated and by which it is eligible for a licensing exemption pursuant to paragraphs (b) and (c) of subdivision four of section four hundred of this chapter; (g) The website and email address of the applicant; (h) The number of animals taken in, adopted, placed into permanent or temporary homes, or otherwise transferred into, out of, or within the state by the applicant during the prior calendar year; (i) The number of animals currently harbored by the applicant; (j) The species of animal the applicant typically harbors for adoption, placement or transfer; (k) A description of facilities by which the applicant carries out the purposes for which it was incorporated, including a statement regarding whether the applicant harbors the animals in its care in its own physical animal shelter or utilizes foster care provider homes, commercial boarding kennels or other arrangements; (l) A sworn statement, signed by the applicant, declaring an exemption from the definition of pet dealer pursuant to section four hundred of this chapter; (m) Current training protocol and procedural practices as prescribed pursuant to sections four hundred twenty-two and four hundred twenty-three of this article; and (n) Other information as deemed necessary to satisfy the commissioner of the applicant's character and responsibility.

3. The commissioner shall conduct an inspection of the applicant's facilities prior to the issuance of a license pursuant to this section, and annual inspections of the applicant's facilities licensed pursuant to this section prior

to renewal of such license. The commissioner may periodically conduct unannounced inspections of such facilities, and whenever, in the discretion of the commissioner, a complaint warrants such investigation. Animal shelters licensed pursuant to this section shall provide open hours to the commissioner so that inspections can occur in a timely manner. Renewal of an animal shelter license shall not be granted until all outstanding violations issued pursuant to this article are corrected and any outstanding monetary penalties assessed pursuant to this article are paid in full.

4. Upon validation by the commissioner, the application shall become the license of the animal shelter and an exemption from the definition of pet dealer as defined in section four hundred of this chapter shall be granted. The commissioner shall retain a copy of such license and provide a copy of the license to the animal shelter. Animal shelters licensed pursuant to this section shall conspicuously display their license on the premises where its animals are harbored. The commissioner shall also provide the licensee with a pet dealer exemption identification number. The licensee's pet dealer exemption identification number shall be prominently displayed on the licensee's websites and any publications or advertisements made available to the public.

5. Such license shall be renewable annually, upon the payment of a nonrefundable fee of one hundred fifty dollars.

6. The moneys received by the commissioner pursuant to this section shall be deposited in the "animal shelter regulation fund" established pursuant to section ninety-nine-pp of the state finance law.

7. The commissioner may decline to grant or renew, or may suspend or revoke an animal shelter license, on any one or more of the following grounds, provided that before any of the aforementioned actions are taken pursuant to this section, the commissioner shall hold a hearing, upon due notice to the licensee in accordance with any regulations promulgated by the department and in accordance with articles three and four of the state administrative procedure act, and provided further that any action of the commissioner is subject to judicial review in a proceeding under article seventy-eight of the civil practice law and rules: (a) material misstatement in the license application; (b) material misstatement in or falsification of records required to be kept pursuant to this article, or under any regulation promulgated thereunder, or failure to allow the commissioner to inspect records of animal shelter facilities; (c) violation of any provision of this article or conviction of a violation of any provision of article twenty-six of this chapter or regulations promulgated thereunder pertaining to humane treatment of animals, cruelty to animals, endangering the life or health of an animal, or violation of any federal, state, or local law pertaining to the care, treatment, sale, possession, or handling of animals or any regulation or rule relating to the endangerment of the life or health of an animal; (d) failure to comply with any of the provisions of this article or the licensing exemption requirements of section four hundred of this chapter; 1 NYCRR Part 65 regarding the importation of dogs and cats; section twenty-one hundred forty-one of the public health law or any rule or regulation promulgated thereunder; or any rule or regulation promulgated by the commissioner following the effective date of this article to effectuate the purposes of this article; (e) failure to renew a license within the period prescribed in subdivision one of this section; or (f) the applicant or registrant was previously licensed as a pet dealer pursuant to article twenty-six-A of this chapter.

* NB Effective December 15, 2025