

NYC Community Cats and the Law

Are feral cats considered wildlife in New York State?

No, feral cats are not considered wildlife in New York. All cats, whether domesticated or feral, are considered companion animals under section 350 of New York's Agriculture and Markets Law and are protected by the animal cruelty provisions set out in sections 353 and 353-a.

I think someone poisoned a feral cat. What should I do?

Call 311 (or 911 if it is an emergency). It is a crime under section 360 of New York's Agriculture and Markets Law to poison or attempt to poison a cat, whether domesticated or feral. Depending on the circumstances, poisoning a cat could also potentially constitute cruelty or aggravated cruelty. It is also a crime under section 362 to willfully throw, drop, or place substances that are injurious to cats (or any other animals) in public places such as roads, highways, or streets. These substances include glass, nails, pieces of metal, or other substances that might wound, disable, or injure a cat.

Can exterminators, nuisance wildlife control operators, or other pest control trap and kill feral cats in New York City?

The short answer is no. Under New York law, certified pesticide applicators must use pesticides in a way that protects both pets and wildlife from harm. In addition, as mentioned, under New York law, feral cats are considered companion animals and therefore cannot be treated as wildlife or wild animals, nuisance or otherwise.

New York law does, however, permit the taking and humane destruction of cats under specific, narrow circumstances. For example, licensed hunters, environmental conservation officers, and police officers have the authority to humanely destroy cats found at large hunting or killing any protected wild bird or with a dead bird of any protected species in its possession. Where a rabies alert is in effect, animal control officers, police officers, or health officers can seize any cat found at large.

Also, nothing in the law prohibits someone from trapping (or hiring someone else to trap) cats that appear to be unowned and that are at large in a public place, and bring those cats to AC&C.

Of course, going onto private property to trap cats or other animals can constitute trespass and taking animals known to belong to someone else could be larceny. So, each of these situations really needs to be assessed based on its own particular circumstances.

My neighbor is removing my TNR traps from my property. What can I do?

Call 311 if someone is stealing your traps from your property. A person may be convicted of petit larceny if he/she steals property valued at less than \$1,000. They may also be guilty of civil or criminal trespass.

