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CALIFORNIA COMMISSION SAYS STATE OWES SHELTERS BIG BUCKS

By Nancy Lawson

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More than four years after California lawmakers voted to extend animal-holding periods, the Commission on State Mandates says the decision will cost them—to the tune of nearly \$80 million.

It would take at least that much money to fund proper compliance with SB 1785, which doubled stray-holding periods to six days and implemented minimum holding times for relinquished animals. Known also as the “Hayden law”—a reference to its original author, former state senator Tom Hayden—SB 1785 was intended to reduce euthanasia and improve the plight of homeless animals.

But in some communities, the unfunded mandate led to a less rosy picture than legislators had anticipated. In the wake of the law’s passage, the animal protection community witnessed abandonment of animal care and control contracts seen as too burdensome, implementation of high relinquishment fees designed to discourage owner surrenders, and a decline in commitments to accept all animals in need of help.

Some of those changes are born of necessity: while lengthier holding periods allow owners more time to search for their animals, they don’t provide the leeway overburdened shelters need when making euthanasia decisions. Animals who’ve been deemed unadoptable often must be held longer than necessary, taking up space best used for housing cats and dogs with a chance for placement.

More money from the state would help shelters add physical space and new staff to handle the increased numbers. But that money may be long in coming, despite the generosity of the mandates commission. While the commission can ask the legislature to put its money where its mouth is, legislators don’t have to accept the challenge—and with a \$35 billion deficit, there’s a good chance they won’t.

“[The fiscal crisis] is really hitting animal shelters hard because it’s sort of a guns or butter situation,” says Leonard Kaye, an attorney and CPA who works for Los Angeles County.

As the coordinator of administrative litigation required to seek funding for new state-mandated services—and there are many—Kaye has devoted considerable time over the last three years to presenting briefs and oral arguments in favor of shelter reimbursement. While other sources are privately skeptical that legislators will make animal care and control a priority, Kaye tries to remain optimistic. Unlike public health services and other local programs, animal care and control agencies have no comparable departments at the state level and are often left to fend for themselves, he says; a financial nod from the legislature would be a boost to their status.

“Obviously we all, being friends of animal shelters and advocates of animal shelters, want the legislature to fund this landmark legislation,” says Kaye. “Not only does it seek to make animals adoptable by extending the period of time they are held, but it also, for the first time since the 1890s or so, sets a standard of care.”

Still, without financial backing, state mandates like the Hayden law present challenges to Kaye's jurisdiction and others around California. Whether or not lawmakers will find funding for animals in their lean budget remains to be seen, but the forecast doesn't look promising; some predict the legislature will deny the \$80 million recommendation and commit only \$1,000 instead, effectively keeping the law intact but deferring state financial responsibility to an unspecified year in the future.

In the meantime, even if California legislators give animal care and control the short shrift, shelters will begin to earn interest on the \$80 million owed them—small comfort, perhaps, but vindication nonetheless.

**Animal
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