

**From:** [krista macdonald](#)  
**To:** [Resolution Comments](#)  
**Subject:** proposed law changes for dogs in restaurants  
**Date:** Tuesday, January 19, 2016 12:32:47 PM

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Hello-

I am writing out of concern for the proposed changes to the new law allowing dogs to sit in outdoor areas at restaurants.

As a dog owner in NYC and a frequent patron to food establishments I was over joyed to learn I could now bring my dogs with me. Combining 2 of my favorite things- dogs and food. Coming from an area that welcomes dogs in outside eating areas it has been hard these last 7 years not being able to continue in this practice. As mentioned I was over joyed to learn I would soon be able to participate here in NYC.

Please do not make it harder for people to bring their dogs with them to dine outside. I never see official personal stopping dog owners in the park or on the street to check the status of a dog (although I do wish they would) so why put this on the workers and owners of restaurants. It feels very unfair and inhibiting and could hurt business.

Thank You for your time.

**From:** [jana](#)  
**To:** [Resolution Comments](#)  
**Subject:** DOGS IN RESTAURANTS  
**Date:** Thursday, January 21, 2016 8:59:01 AM

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All over Europe dogs are allowed in restaurants with their owners. I have never experienced any problem whatsoever. Now California allows dogs in restaurants. There is no reason not to allow New Yorkers the same privilege. If you care nothing for dogs, or their owners - at least you could consider how good it would be for the restaurant business - about which I'm sure you do care.  
Jana Titus



NEW YORK  
STATE  
RESTAURANT  
ASSOCIATION

## **Comments**

**The New York State Restaurant Association to the New York City Department of  
Health and Mental Hygiene on**

**Chapter 32 to Title 24 of the Rules of the City of New York.**

**January 26, 2016**



NEW YORK  
STATE  
RESTAURANT  
ASSOCIATION

Good morning members of the Committee. My name is Melissa Autilio Fleischut and I am the President and CEO of the New York State Restaurant Association, a trade group that represents food and beverage establishments both in New York City and throughout New York State. The New York State Restaurant Association is the largest hospitality trade association in the State of New York and it has advocated on behalf of its members for over 80 years. Our members represent one of the largest constituencies regulated by the City with more than 20,000 eating and drinking locations based in New York City.

New York City is one of the pillars of the culinary arts world. Our restaurants employ hundreds of thousands of New Yorkers and are a backbone of the tourism trade. As one of the most important industries in New York City, its growth and survival should be supported by all levels of New York City and New York State government.

We applaud the Department of Health and Mental Hygiene on their efforts to ensure restaurants have a clear choice when allowing dogs into their outdoor dining areas. However, the department's requirement that the establishments must require a barrier between their outdoor seating where they may allow dogs and the sidewalk, as well as the provision stating that signage must be present stating the eatery's decision on whether or not to allow dogs both will create financial issues for restaurants.

As you know, in a city as heavily populated as New York, space is hard to come by. Every square foot is incredibly meaningful to every restaurant as every extra seat represents significant revenue. The provision in this rule that requires restaurants to erect a barrier between their sidewalk café and the public puts an overly onerous burden on restaurants that would like to allow dogs in these spaces. These barriers can and will most likely prove to be costly to put up, shrinking the already small profit margins of restaurants.

We suggest that this provision be left out of the rule and that the Department merely uses the states guidelines when it comes to this issue.

One of our other concerns is that by mandating establishments post signage on

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3rd Floor  
New York, NY 10018  
212.398.9160  
800.452.5959  
212.398.9650 fax  
[www.nysra.org](http://www.nysra.org)



NEW YORK  
STATE  
RESTAURANT  
ASSOCIATION

this matter may lead to boycotts or protests from some groups with different ideological standpoints. This may lead to a significant loss of business for some eateries and put them publically at odds with a substantial portion of their consumer base.

Again, we urge the Department to follow the State's lead here on the issue which only requires restaurants to post signage if they allow companion animals in a permitted area and not have to post anything if these animals are not allowed.

An additional concern of ours is what the enforcement of these regulations will be and what the fine structure will look like. As always, our Association believes in an education first approach to any new regulations and eateries across the City will need a substantial timeframe before facing monetary fines for not having the appropriate signs and barriers in place. Restaurants are already a part of one of the most regulated industries in the city and further mandates on signage will only lead to further confusion.

In conclusion, the New York State Restaurant Association encourages the Department of Health and Mental Hygiene to work with the industry to find workable solutions on the signage requirement for this new rule to protect the restaurant and hospitality industry in the City of New York.

Respectfully Submitted,

Melissa Fleischut  
President and CEO  
New York State Restaurant Association  
1001 Avenue of the Americas, 3rd Floor  
New York, New York 10018  
212-398-9160

**From:** [Beth Dixson](#)  
**To:** [Resolution Comments](#)  
**Subject:** dogs and dining  
**Date:** Wednesday, January 20, 2016 6:35:45 PM

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I don't have a dog, but I think it's ridiculous all the purposed regulations going into restricting dogs access to patios. Why go to so much trouble to try to prevent dogs from joining their owners at outside tables? In all the years I've lived in NYC, I've never encountered problem dogs at restaurants. On the other hand, I'm frequently disturbed by loud and dirty children who throw their food and drink all over tables and patio areas. (I suspect children prove to be far more problematic germ-wise than any dog.)

Please just let dogs in outdoor areas of restaurants without all the ridiculous restrictions.

Thanks,  
Beth Dixson



LINDA B. ROSENTHAL  
Assemblymember 67<sup>th</sup> District

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

CHAIR  
Committee on Alcoholism & Drug Abuse

COMMITTEES  
Agriculture  
Education  
Energy  
Health  
Housing

Tourism, Parks, Arts & Sports Development

JAN 26 RECD

**ASSEMBLYMEMBER LINDA B. ROSENTHAL'S COMMENTS BEFORE THE NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE ON PROPOSED RULEMAKING ON §1352-E OF THE NEW YORK STATE PUBLIC HEALTH LAW ("PHL") AUTHORIZING OPERATORS OF FOOD SERVICE ESTABLISHMENTS TO ALLOW COMPANION OR PET DOGS TO ACCOMPANY OWNER-PATRONS IN CERTAIN OUTDOOR DINING AREAS OF THEIR ESTABLISHMENTS, SUBJECT TO CONTROL MEASURES APPROVED BY A LOCALITY'S ENFORCEMENT AGENCY**

January 26, 2016

Good morning. I am Assemblymember Linda B. Rosenthal and I represent the 67th Assembly district, which includes the Upper West Side and parts of the Clinton and Hell's Kitchen neighborhoods in Manhattan. As the prime sponsor of the legislation, now law, authorizing operators of food service establishments to allow companion or pet dogs to accompany patrons in outdoor dining areas, it is necessary that I comment on the rules proposed by the New York City Department of Health and Mental Hygiene (DOHMH).

Though Section 1352 of the Public Health Law authorizes municipalities to promulgate regulations to govern the implementation of this section, it does not give municipalities the authority to promulgate rules to prevent implementation altogether. Yet, that is precisely what DOHMH has proposed by requiring restaurateurs to confirm the status of dogs' licenses and rabies vaccinations. This requirement, if implemented, would be so onerous for potentially participating food service establishments as to make compliance nearly impossible.

Though New York City law rightly requires that all dogs living within the City limits have a valid license and up-to-date rabies vaccine, according to the DOHMH's own statistics, only 20% of all dog-owning New Yorkers comply with this regulation. In the past, I partnered with DOHMH and previous mayoral administrations to help improve dog licensing rates in New York City, even allocating state funding for a public service campaign aimed at promoting licensing. Despite this effort, the rates of licensure have not increased, in large part due to a lack of commitment and overly lax enforcement by DOHMH itself.

Placing the burden of enforcing a provision of New York City law that the City itself has never prioritized on untrained staff at food service establishments, many of whom are high school graduates or recent immigrants to this country, is foolhardy. In addition, it is worth noting that New York City does not require its own employees at New York City owned and operated dog runs or public parks to check dog licenses or vaccination status.

DOHMH has proposed that untrained food service establishment staff check the validity of rabies vaccination tags and licenses. Consider a popular restaurant during peak weekend brunch or lunch hours on a mild spring afternoon. The host or hostess is working to seat dozens of patrons, both in and outdoors, and in addition to triaging all manner of patrons' reasonable and

unreasonable requests, will now also be required to get down on hands and knees to check licenses and vaccination tags. This is simply ridiculous. Failure to do so would subject the restaurant to a violation from the DOHMH and could also expose it to civil liability.

All responsible dog owners know that they must have a valid dog license and rabies vaccine, as required by New York City law. The burden has always been squarely and rightly placed on the shoulders of dog owners to comply with this section of law. It is unfair to shift that burden to restaurants in an attempt to have private businesses help to enforce a provision of New York City law that the City has failed to enforce for years. Doing so now makes little sense, unless of course the aim is to frustrate implementation of Section 1352 of the New York State Public Health Law.

In addition, it has come to my attention that DOHMH has recently begun sending paper dog license renewals, instead of new tags, to owners. The new paper renewals will further complicate restaurants' compliance since untrained staff would be required to check tags for some dogs and paper licenses for others. Sadly, even the most responsible of dog owners fails to carry around a copy of their dog's license at all times. This requirement could have the effect of barring dogs that are licensed and vaccinated, if the owner simply forgot the paperwork at home.

The signage requirements of Section 1352 of the Public Health Law were written carefully with an eye toward compliance with the American with Disabilities Act and New York Human Rights Law. I worked closely with advocates from the disability community and my colleagues in government with expertise on these issues to ensure that the signage required by this law clearly indicated that service animals, and not merely dogs, could, as always, enter any part of the food service establishment, and not merely the outdoor areas. The regulations proposed by DOHMH effectively erase this important distinction, which was a hard-fought victory for the disability community, and will make it more difficult for service animals to be accommodated in restaurants. Without a clear statement about the important distinction between service animals and companion dogs, the proposed regulations further confuse restaurant staff, who now will be required to check the tags of some dogs, the paperwork of others and who are prohibited by law from checking the tags or licenses of any service animals. The proposed signage requirement is antithetical to the spirit and letter of the Americans with Disabilities law, and must be removed on these grounds alone.

Given the obvious problems that the proposed regulations pose for restaurants and the difficulty they will cause for disabled individuals who rely on service animals, one cannot help but come to the conclusion that DOHMH put very little thought into the impact that this requirement would have. While I understand that DOHMH did not support 'dining with dogs' since its inception, it is now New York State law. As such, DOHMH has a responsibility to follow the law and implement reasonable regulations that are tailored to protect human health but do not have a chilling effect on future compliance with the law. I urge DOHMH to reconsider the proposed regulations and support New York City restaurants and dog lovers alike who have demanded that they be permitted to dine with their dogs.



~~EXPLOITERS~~  
**FRIENDS  
of ANIMALS**

JAN 26 REC'D

January 26, 2016  
Edita Birnkrant, Campaigns Director  
Friends of Animals  
1841 Broadway, Suite 350  
New York, NY 10023  
[Edita@friendsofanimals.org](mailto:Edita@friendsofanimals.org); 212.247.8120

**Friends of Animals' statement on The Department of Health and Mental Hygiene's proposal to add a new Chapter 32 (Dogs in Outdoor Dining Areas) to Title 24 of the Rules of the City of New York.**

Friends of Animals, (FoA) an international animal protection organization founded in New York in 1957 is in full support of the "Dining With Dogs" bill, S.4325A/A.5956A, as it was written and signed into law by Governor Cuomo and is against some of the proposed rule changes. Since 1957 Friends of Animals has led the effort to educate and promote responsible pet ownership and has run the United States' first and longest running low-cost dog and cat spay/neuter program—facilitating more than 2.6 million surgeries for pets across the country.

Friends of Animals strongly supported passage of this bill which makes New York State more dog-friendly and which will help boost businesses at restaurants by making it easier for patrons to bring their beloved 4-legged family members with them while dining outside instead of feeling like they have to leave them at home

This legislation is a win for dogs, for dog-owners, for restaurants, and serves to send a positive message that New York is leading the progressive effort to be more animal-friendly. We have received many phone calls, letters and emails from our New York members in support of this bill passing.

FoA objects to the Department of Health and Mental Hygiene's proposal to modify the law and add new burdensome regulations that would likely discourage dog-owners and restaurant owners from fully embracing this new law or utilizing it at all. After all, the purpose of the law was to make it legal and easier for residents to dine with their dogs. Mandating dog owners to bring and show proof of vaccination and dog licenses to the restaurant staff is onerous, and requiring restaurants to check these items before allowing dogs to dine with their owners is unrealistic and unprecedented in its restrictiveness. Requiring restaurant owners to construct outdoor barriers is also unnecessarily burdensome financially and as a practical manner for restaurant owners. The tremendously positive response to this same law passing in California and the lack of the problems in that state that New York City officials fear will happen here in NYC should be taken into account in regards to not enacting these prohibitive proposals.

It's reasonable to require posting signage explaining the law but the other proposed rules should not be enacted. Please allow Dining With Dogs to be the law of the land in New York City as it was written and passed into law.

Sincerely,

Edita Birnkrant, Campaigns, Director, Friends of Animals

**From:** [Barbetta100yrs@aol.com](mailto:Barbetta100yrs@aol.com)  
**To:** [Resolution Comments](#)  
**Subject:** Comments on restaurants that allow dogs in limited outdoor dining areas  
**Date:** Tuesday, January 26, 2016 2:33:00 PM

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Barbetta, opened in 1906 by my father, now owned by me, Laura Maioglio, is Manhattan's oldest restaurant.

It's magnificent large garden is one of the city's most sought-after sites for summer dining. I would very much welcome having dogs permitted to enjoy this garden with their human friends, and Barbetta would follow the necessary regulations to make this happen.

Laura Maioglio  
Barbetta Restaurant  
owner

**From:** [Frank Tonhazy](#)  
**To:** [Resolution Comments](#)  
**Subject:** dogs  
**Date:** Tuesday, January 26, 2016 3:30:59 PM

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I don't want to be in a restaurant with dogs. It's a terrible idea.  
It's bad enough dog owners think that tree pits and the front of peoples apartment buildings are meant to be dog toilets.

[Frank Tonhazy](#)  
[215 W 78th St. #1B](#)  
[New York, NY 10024](#)

**From:** [Lynne Palmieri](#)  
**To:** [Resolution Comments](#)  
**Subject:** Dogs dining at restaurants  
**Date:** Saturday, January 23, 2016 1:44:07 PM

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Please allow dogs with owners outside restaurants! It is successful in other areas and a money maker. Dogs are family, and should stop being treated like 3rd class humans. Too much animal abuse going on, and this mentality reinforces that thinking. Europe does it also. Places do have option to not allow it, but don't stop others, or make it so hard! Besides, people/ restaurants /workers/cooks can be filthier than any dogs! Dogs allowed are friendly. Children can be very misbehaved, parents ignore them, and can make dining miserable too! Thank you, Lynne Palmieri

**From:** [Joan Trombini](#)  
**To:** [Resolution Comments](#)  
**Subject:** Dogs at outside dining areas  
**Date:** Tuesday, January 26, 2016 5:01:10 PM

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Please support laws that allow dogs at public outdoor dining spots without restrictions.

Sent from my iPhone

**From:** [nataliehelms@mindspring.com](mailto:nataliehelms@mindspring.com)  
**To:** [Resolution Comments](#)  
**Subject:** Allow dogs to dine in restaurants.  
**Date:** Monday, January 25, 2016 8:44:35 PM

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It is good for business and for patrons.

Thank you

Natalie Helms.

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Sent from myMail app for Android

**From:** [ESTHER KOSLOW](#)  
**To:** [Resolution Comments](#)  
**Subject:** I oppose the DOHMH's Proposed Restrictions on NYS "Dining with Dogs Law"  
**Date:** Tuesday, January 26, 2016 2:16:29 PM

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As a longtime NYC dog owner, I agree with Assemblymember Rosenthal's objections to the DOHMH's attempts to make her "Dining with Dogs Law" impossible in New York City.

Particularly amusing is the DOH's insistence that dog owners carry proof that their dogs are licensed and that restaurateurs license-check. The problems are twofold:

1. The DOHMH has done a miserable job at encouraging AND enforcing compliance. Compliance could be as low as the single digits. See <http://conta.cc/1OLOP8q>. So very few New Yorkers license their dogs.
2. But assuming every dog owner dutifully has his/her dog licensed. For years the DOHMH would mail stickers evidencing the the dog had a new or renewed license. The stickers were easily affixed (usually to a rabies tag on the dog's collar) showing to all that the dog was licensed. But starting a few months ago, the DOHMH stopped sending out the stickers, claiming that a paper copy of the license would be more convenient (to whom, we wonder). The DOHMH directed that owners must carry a copy of that license whenever they take their dog out. To satisfy the DOHMH, every dogwalker, friend, or family member who takes the dog out must also be given a copy of the license to carry in case they are stopped by the DOHMH.

Of course this card-carrying-license requirement wouldn't ordinarily matter. Odds are the DOHMH isn't going to start frisking dog owners on the street. They didn't care before. Why now?

The difference this time is that the DOHMH (which eagerly fines restaurants for health law infractions) wants to create a new revenue stream. If their posse of Health Inspectors spot a dog owner dining at a restaurant with a dog in tow and no license can be produced, then the restaurant gets fined. What a clever way to make money.

If you haven't figured it out by now, I am opposed to the DOHMH's proposed regulations that would effectively kill the Dining with Dogs Law.

Assemblymember Rosenthal is my representative.

Sincerely,

Esther Koslow

**From:** [Sherryrams@aol.com](mailto:Sherryrams@aol.com)  
**To:** [Resolution Comments](#)  
**Subject:** comment  
**Date:** Monday, January 25, 2016 8:57:53 PM

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I am writing in support of the dining with dogs law. I urge you to support this law. As you may know, the State of California passed a similar measure into law in 2014 without a hitch, and countless restaurants right here in the City are already allowing the practice to occur. NYC is a dog lover's city and I hope you will support this law.

Sincerely,  
Sherry Ramsey  
253 W. 73rd Street  
1d  
NY, NY 10023





**THE ASSEMBLY**  
**STATE OF NEW YORK**  
**ALBANY**

COMMITTEES  
Consumer Affairs  
Higher Education  
Judiciary  
Labor  
Transportation

Chair  
Sub-Committee  
Tuition Assistance Program

JO ANNE SIMON  
Assemblymember 52<sup>nd</sup> District

**Comments on the Proposed Amendments to Title 24 of the Rules of the City of New York**

January 26, 2016

Submitted by email to: [resolutioncomments@health.nys.gov](mailto:resolutioncomments@health.nys.gov)

New York City proposes to add a new chapter 32 to Title 24 of the Rules of the City of New York (RCNY) to implement § 1352-e of the New York State Public Health Law (PHL) which provides that pet dogs (referred to in the statute as “companion” dogs) are permitted in the outdoor dining areas of food service establishments at the election of the owner of such establishment.

By way of background, for several years I have served as a New York State Bar Association representative on the Service Animal Task Force, a joint effort of the New York State Bar Association and the New York City Bar Association. In connection therewith, the Service Animal Task Force advocated for amendments to the NYHRL and NYCRL so as to bring both statutes into compliance with the Americans with Disabilities Act, 42 U.S.C. § 12101, *et seq.*, (ADA) regarding the use of service animals by individuals with disabilities. Governor Cuomo signed the bill in December 2014.<sup>1</sup> A chapter amendment later modified technical language and was signed by the Governor in October 2015.<sup>2</sup> I am fully familiar with the federally protected rights of individuals with disabilities to use service animals.

As a member of the Assembly, I supported the passage of PHL § 1352-e after working closely with the bill’s sponsor to ensure that the legislation clearly and unequivocally recognized the rights of individual diners with disabilities to enter all parts of a food service establishment that is generally open to the public with their service animals and that the signage required by the legislation would specifically indicate this as well. For that reason, in final form PHL § 1352-e provides:

1. Companion dogs under the control of a person may be allowed in an outdoor dining area at a food service establishment if all of the following conditions are satisfied:

\* \* \*

<sup>1</sup> Chapter 536 of the Laws of 2014, effective December 29, 2014.

<sup>2</sup> Chapter 141 of the Laws of 2015, effective October \_\_\_\_, 2015.

(h) there is reasonable signage indicating that companion dogs are allowed in the outdoor dining area or a designated portion of it. The signage shall state that restrictions on companion dogs do not apply to guide, hearing or service animals;

\* \* \*

2. This section shall not impair or diminish the right of an individual to be accompanied by an animal where otherwise permitted by law, including but not limited to the rights of people with disabilities using guide, hearing or service animals.

\* \* \*

3. (b) "companion dog" shall mean a domesticated dog accompanying an individual or owner for the purpose of companionship or convenience of such individual or owner, and shall not include guide, hearing or service dogs.

The proposed rules vary in certain significant ways from federal protections which preempt New York City laws, rules or regulations. For example, the ADA, to which the New York State Human Rights Law and the New York State Civil Rights Law now conform in pertinent part, protects individuals' use of service *animals*, not service *dogs*, because the statute's protections extend beyond dogs. For that reason, PHL § 1352-e uses the language service "animals" as well. The only exception is in Section 3(b) which defines "companion dog," as it would be inconsistent with the definition of a companion dog, to speak of an animal other than a dog. Thus, proposed rule 24 NYC Admin Code § 32-02 (a) must be revised to be consistent with federal and state laws.

Moreover, proposed rule 24 NYC Admin Code § 32-01(d) requires that the animal owner demonstrate the licensing of and vaccination of their dogs to the owners and/or workers. This would require dog owners to carry with them two sets of papers at all times. That provision alone will have a significant chilling effect on the rights of those intended to be protected by PHL § 1352-e as well as disabled owners or service animals who are protected by federal law from having to demonstrate ownership, vaccination history or anything else in the use of their service animals. Moreover, the vast majority of pets in New York City, including service animals are not licensed. No other NYC rule or regulation requires that proof thereof be carried by a pet owner at all times.

Requiring dog owners to demonstrate licensure of their pets to an owner of a food establishment was not intended by PHL § 1352-e. This substantially infringes on the rights of people with disabilities who use service animals, but like many dog owners without disabilities, do not have licenses. The vast majority of people with disabilities live in poverty and would be disadvantaged by the fees involved. They have less access to local governmental services because of persistent and systemic barriers to securing such services, most notably in this context in communications and transportation. By requiring that dogs wear a dog collar with license tag attached, the proposed rule imposes yet another scheme of fees and costs.

Moreover, this provision is inconsistent with the ADA which subjects individuals with disabilities to no such documentation requirements. United States Department of Justice (DOJ) regulations made it illegal for private or public sector places of public accommodation even to

make inquiries necessary to ascertain coverage under previous NYS HRL provisions (amended in 2014); moreover, DOJ refused to specify training requirements.<sup>3</sup>

Thus, this proposed requirement places undue burdens on people with disabilities in the exercise of their federal and state statutory rights to the use and enjoyment of their service animals. Moreover, these rules not only leave enforcement to untrained lay permittees, but mandate that permittees “must check to see that dogs are wearing a collar with a license tag.” The Department of Health’s hygiene concerns that are expressed through the proposed rules would appear to be inconsistent with permittees’ touching dogs to check on their bona fides, increasing the risk of transmission of dirt and germs.

No such requirement governs people with disabilities using service animals and the proposed rule does not so indicate. There is a very great danger that service animals will be misunderstood by permittees to be “companion dogs” and that danger is enhanced by mandating permittees to check licenses, likely leading to increasing incidents of disability discrimination.

Therefore, the proposed rules should be modified as follows (deletions indicated by ~~strikethrough~~, additions underscored);

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<sup>3</sup> See 28 C.F.R. § 36.302 (c) (6); § 35.136 (f). The Justice Department regulations under ADA Titles II and III include the following:

Inquiries. A public accommodation shall not ask about the nature or extent of a person’s disability, but may make two inquiries to determine whether an animal qualifies as a service animal. A public accommodation may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. A public accommodation shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. Generally, a public accommodation may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person’s wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

DOJ’s refusal to permit regulation of service animal training was carefully considered. Both the Obama and George W. Bush Administration Justice Departments stated:

Training requirement. Certain commenters recommended the adoption of formal training requirements for service animals. The Department has rejected this approach and will not impose any type of formal training requirements or certification process, but will continue to require that service animals be individually trained to do work or perform tasks for the benefit of an individual with a disability. While some groups have urged the Department to modify this position, the Department has determined that such a modification would not serve the full array of individuals with disabilities who use service animals, since individuals with disabilities may be capable of training, and some have trained, their service animal to perform tasks or do work to accommodate their disability. A training and certification requirement would increase the expense of acquiring a service animal and might limit access to service animals for individuals with limited financial resources.

“Section-by-Section Analysis and Response to Public Comments” regarding amendments to ADA regulations 75 F.R. 56163, et seq. (September 15, 2010); 75 F.R. 56236 et seq. (September 15, 2010); 28 C.F.R. § 36.302 (c) (6), available at [http://www.ada.gov/reg32010/titleIII\\_2010/reg3\\_2010.html](http://www.ada.gov/reg32010/titleIII_2010/reg3_2010.html); 28 C.F.R. § 35.136 (f), available at [http://www.ada.gov/reg32010/titleII\\_2010/reg2\\_2010.html](http://www.ada.gov/reg32010/titleII_2010/reg2_2010.html). See, as to the Bush Administration, Notice of Proposed Rulemaking to amend 28 CFR Part 36: Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities. 73 F.R. 34473 (June 17, 2008). See also NYS CRL Art. 4-B.

§32-02(a) *Permittee's discretion.* A permittee may choose to allow dogs that are not service ~~dogs~~ animals to accompany their owners in the outdoor dining areas of the permittee's establishment, in accordance with §1352-e of the New York Public Health Law and this Chapter. A permittee is not obligated to allow dogs, other than service ~~dogs~~ animals, to be in outdoor dining areas of an establishment and nothing in these rules shall give a dog owner the right to bring a dog into any establishment where dogs are prohibited by the owner or this Chapter.

§32-02(b)(2) *Dogs to be licensed and vaccinated.* A dog must be licensed and have a rabies vaccination to be with its owner in an outdoor dining area. ~~Permittees must check to see that dogs are wearing a collar with a license tag.~~ Permittees may make no such inquiries of the owners/users of service animals.

### **§32-03 Signage.**

A permittee who allows dogs that are not service dogs to accompany their owners in outdoor dining areas must post the following sign at or near the entrance to the food service establishment:

**Companion dogs are only allowed in certain outdoor dining area(s) of this establishment.**

**Only service ~~dogs~~ animals are allowed in other parts of this establishment.**

~~**Your companion dog must be licensed and currently vaccinated against rabies to remain in the outdoor dining area with you.**~~

**You are responsible for controlling your dog at all times.**

**From:** [mingsmomma](#)  
**To:** [Resolution Comments](#)  
**Subject:** Dogs in restaurants  
**Date:** Monday, January 25, 2016 9:02:22 PM

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Let them in

Liz Piercey

Sent via the Samsung Galaxy S®6 active, an AT&T 4G LTE smartphone



Good morning. ADD THANK YOUs

My name is Julie Cappiello and I am here to speak on behalf of NYCLASS and our thousands of supporters.

The Dining with Dogs Law is a common sense law that allows dogs in outdoor seating areas at restaurants that choose to participate. It allows animal-loving restaurant goers the opportunity to enjoy the unique experience of dining with their beloved pets.

The proposed regulations, which include forcing restaurant employees to check licensing tags and construct barriers between dining areas and sidewalks, make it nearly impossible for restaurants to allow dogs on their outdoor patios. This bill was backed by the restaurant industry, and many eateries want to offer New Yorkers the experience of being able to dine out with their dogs, but the New York City Department of Health is forcing restaurants to turn away potential customers and affecting thousands of New Yorkers who would love to dine with their pets. The law already describes minimum sanitary requirements and it should be left up to the restaurateurs to strengthen their policy if they wish to do so.

We respectfully urge the New York City Department of Health to cut back on the regulations regarding this bill so as to make this an experience all New Yorkers can enjoy without hassle.

**From:** [David Porter](#)  
**To:** [Resolution Comments](#)  
**Subject:** Dining with Dogs  
**Date:** Tuesday, January 26, 2016 4:30:35 AM

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To Whom It May Concern:

Regarding Dining with Dogs, the regulations as proposed would simply further confuse restaurant workers by failing to make a distinction between service animals and other dogs, and would likely result in disabled people being wrongly denied service. This is simply unacceptable. It also seems preposterous to object to something that brings more revenue to the city's restaurants and makes life better for the city's dog owners, and for their dogs. Aren't we the equal of cities such as San Francisco and Paris?

Thanks,  
David Porter

David A. Porter Skype ID - porter1306 Twitter - @porter1306  
[www.stereoembersmagazine.com](http://www.stereoembersmagazine.com)

**From:** [Sherry Reisch](#)  
**To:** [Resolution Comments](#)  
**Cc:** [Sherry Reisch](#)  
**Subject:** Dining with Dogs Law  
**Date:** Monday, January 25, 2016 10:58:07 PM

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I am writing to you today to express my disappointment in the New York City Department of Health and Mental Hygiene (DOHMH) opposition to this important law. People in New York City have to live in apartments that allow dogs, since managers and boards of apartments are given the legal right to either allow or disallow dogs in their buildings. People in New York City have no choice but to live in apartments. Where are people who are dog guardians supposed to live?

Now you have come up with a very biased idea, to have the establishment of the restaurants make certain that, if dogs accompany their human guardian to the restaurant, they are licensed and vaccinated. This type of scrutiny is not required at New York City dog runs, or New York City parks, but you are making this the responsibility of the restaurants? How will the restaurants provide proof that this rule is followed? Would they now have to hire a person for this purpose? Is your attempt truly to reverse this law so that no dogs may dine with their human guardians? What kind of people are you? This is one of the most idiotic and cruel attempts at denying people and their dogs their simple right to happiness and to enjoy a simple pleasure of sharing a meal together, at an outdoor restaurant.

It is adult people who are to blame for bad behavior of a child or of a pet. Should we now prohibit people with children from dining in outdoor spaces of restaurants? Children touch things with their dirty hands, they cry, make noise, drop silverware and throw food.

What is it that dogs do that you find so deplorable? Dogs that I have seen at outdoor restaurants are sitting or laying quietly by the table. They are not barking or making a mess of things.

I support the Dining with Dogs Law. Many restaurants are already allowing dogs in outdoor areas. California has already passed a law such as this and is having much success. Why shouldn't New York City do the same?

Sincerely,

Sherry Reisch  
sherryreisch@yahoo.com



**My name is Yuki Endo, resident of Jackson Heights, Queens. I'm member of Citizen Defending Libraries, Long Island Bus Riders Union and Animal Rights and Environmental Advocates.**

**I do not have dogs or cats, but I love them.**

**I have concern about proposal bill that to restrict dog access into restaurants. All dogs do different kind of jobs like lifeguard, police, helping blinds and rescuing or protecting owners.**

**Will this bill means all dogs including police, lifeguard and service dogs has to be tested and their dogs might not able to enter restaurants or stores? This is terrible idea.**

**Police Officers and lifeguards need to stay with their working dogs, so does service dogs who are trained for escorting blind people to tables or food.**

**Many restaurants across NYC and Long Island has dog bowls outside, so people could dine with dogs in outdoor cafe.**

**Many deli and groceries stores has cat companions because they love cats.**

**This will also affect Dog Friendly restaurants that allows dogs because it boost their business if dog owners choose to dine in with their dog companions.**

**If dog owners cannot take their dogs to restaurants, restaurants will loose business.**

**Similar to this, blind folks in China with their service dogs are often refuse by taxis, buses and restaurants even it clearly states SERVICE DOGS.**

**New York State should pass legislation that allowed all restaurants including vegan/vegetarian restaurants and steakhouse to be dog friendly at both indoors and outdoors.**

**Thank you for your cooperation.**

#20

Joanna Smith

Comment:

Dear Health Department Officials, I know this rule is popular among dog owners, but I hope you will take into account that many people are allergic, phobic, or simply grossed out by dogs. I fall into the latter camp: I think dogs have no place in public food establishments, even outdoors, as many of their habits are downright unappetizing. I like to have my meals without drool, fleas, dog farts, barking, etc. Please consider not changing this rule and keep dogs away from my food.

Agency: [DOHMH](#)

#21

Jane Velez-Mitchell

Comment:

There is now a mean spirited plot to destroy the Dining with Dogs Law that we worked so hard to make a reality. The law simply allows dogs into New York's outdoor restaurant patios, if the restaurant owner allows. Governor Cuomo recently signed it into law. It was a huge success for the animal community that garnered a lot of media attention and could encourage other bipartisan, animal friendly legislation nationwide. It helps business owners bring in customers and cash! Now, however, there is an outrageous proposal to require the restaurant (waiters?) to check dogs to see if their rabies tags and licenses are up to date. It opens the restaurants up to liability, etc. Basically, it kills the law. This is unheard of and is not required in parks and other public places where dogs are allowed. It's a blatant attempt to make it impossible for restaurants to conform to the law. FYI, the NYC Health Dept has long opposed this law, even though it has zero impact on human health. The same law has existed in California with zero problems. How dare you try this end run around the law? This is absolutely dirty politics at its worst! What is this: Tammany Hall? Do we need a new Serpico to come in and find out who is really behind this? STOP! TAXPAYING NEW YORKERS WANT TO BRING THEIR DOGS TO OUTDOOR PATIOS, if it's ok with the restaurant owner. ENOUGH WITH YOUR GAMES!

#22

Tara Churik

Comment:

I would like to comment on the proposed modification to Dogs in Outdoor Dining Areas. As with any other patron of a restaurant, restaurant managers have discretion to handle any offending pets in the same manner as drunken or disorderly guests. No one person or animal has the right to disrupt another's experience. With this as a guiding principle, I submit comments indicating that I do NOT agree with the proposed modifications to this law as listed below, for the reasons listed below. Authorize owners of food service establishments to continue to prohibit dogs; [The last time I checked, owners of restaurants in NYC are within NY State - this law specifically allows dogs to sit on patios only in NY State, so this request is in violation of the law.] Require certain policies to be established if owners allow dogs in their establishments, such as only licensed and currently vaccinated dogs may enter establishments; [Do you require that humans dining on a patio also have identification documentation and vaccinations - because their saliva is ACTUALLY TOUCHING shared plates, glasses, and silverware, unlike dogs? Do you require a property record or signed copy of a lease to prove that the person is a resident of NYC (like a dog license) - because somehow this relates to one's ability to consume food and/or drink in an outdoor setting? How on earth would you enforce that, and why? No rabid dogs have been reported in NYC since 1954, for example, so this should stop any zoonosis arguments in their tracks.] Require signage as to whether dogs are being allowed; [Dogs ARE allowed per NY State law, period. Please stop trying to take away the rights of NYC citizens who LIVE IN NY STATE.] Specify how sanitary conditions are to be maintained and require fencing; and [Dogs should be required to be on leashes. Why is a fence necessary?] Provide that any violation of this Chapter will be cited as a violation of and bear the same penalties as a violation of §81.25 of the Health Code. In closing, it appears that the author of these proposed recommendations has never spent any time at all with a dog, has never experienced their unconditional love, and somehow sees dogs as disease-carrying nuisances just waiting to "unleash" the plague on patio-dining New York City residents. I would suggest that this author visit any number of NYC shelters or rescues or trainers who work diligently every day to help animals recover from the abuse inflicted by humans who embody an extreme version of this viewpoint. Well-behaved dogs absolutely deserve to spend time with their humans on patios or elsewhere.

Agency: [DOHMH](#)

#23

Garrett Rosso

Comment:

Would the restaurant receive a fine for failure to check if the dog is wearing a license and double checking if the license is up to date? This seems onerous as restaurant staff are not law enforcement nor are they required to check drivers license to gain access to their parking lots. Nor are retailers required to check before letting dogs into their establishment. Not to mention that compliance with licensing in NY State is still lower than 10%. I don't believe restaurants should face increase liability for fines in order to enforce companion animal licensing requirements. The not obstructing 36" aisle requirement between tables seems equally onerous and falls more under the heading of etiquette. In many cases this would require the restaurant to seat medium or large size dog at a table and remove a chair. As for barriers -- many restaurants currently have those as a way to keep themselves for being fined if they take over more sidewalk space than allocated. However seems odd as existing law currently requires restaurants to place dogs outside of this barrier.

Agency: [DOHMH](#)

#24

pamela blackwell

Comment:

As a restaurant owner and New Yorker I am hoping that the DOH will reconsider some of the proposed rules they would like to see enforced regarding the Dining With Dogs Bill that was recently passed. Of course there must be signage, sanitary conditions must be maintained, and patrons dogs should be licensed, but requiring establishments to install fencing, and administering violations seems a bit extravagant and burdensome. It would be good to acknowledge why the Dining With Dogs Bill was passed. It's a win win for both New Yorker's who live with dogs and restaurants that offer outdoor seating. People love their animal companions, and many New Yorkers who live with dogs are very much looking forward to dining at their favorite cafe with their canine companion in toe instead of leaving him/her at home or tying them to a poll while trying to enjoy a meal. I hope the DOH will take into account that restaurant owners who want to invite patrons with their animal companions to dine in an outdoor seating area should not be discouraged to do so by proposing DOH rules that cause expense, stress and difficulty. I'm also hopeful that the DOH will choose to use California as an example and reconsider their proposal since the same legislation is the law on the west coast, and there haven't been any issues.

Agency: [DOHMH](#)

#25

David Babbott-Klein

Comment:

I oppose the new Chapter 32 as written. It should be easier to bring dogs in restaurants that choose to allow it, not harder. The new proposed regulations are too onerous, in particular the sidewalk fence construction requirements and the collar check requirement, and should be eliminated. Thank you.

Agency: [DOHMH](#)

#26

Anwar Shadat

Comment:

I will say that, dogs should not be allowed outdoors.especially when there are some health issues involved. Many people are allergic to dogs.Some times there is opportunity for them pee or poop. So, it's not possible to eat anything when dogs pee or poop. Everyone don't like dogs. So I think it's better don't bring dogs at restaurants.

Agency: [DOHMH](#)

#27

Ryan Long

Comment:

The imposition of these rules will prohibit restaurant owners from truly having a choice of whether to allow dogs in outdoor seating areas at their establishments. These rules seek to undermine the rights of businesses by creating a burden of verification on the staff of their staff that would require training and continuous coaching very similar to the training required for serving alcohol. This bill was signed into law by Governor Cuomo after many dedicated New Yorkers worked hard to protect the rights and freedoms of business owners and patrons alike. Please stop infringing on the right to CHOOSE!

Agency: [DOHMH](#)

#28

Lisa Maloney

Comment:

This is ridiculous! Business owners can have smokers in outside restaurant patios for social meals. So much for my casual social gatherings for lunch and dinners. Imagine checking people for airborne viruses and shots before entering? Next thing you know people will need to be tagged. My friends and I love the idea of getting out with our companion dogs and meeting up. It is good all-around for business, people and companion dogs. They even allow dining with dogs in CA and in Europe. Sounds like a disgruntled person negatively pushing his/her power around and making it difficult for others.

#29

Edita Birnkrant

Comment:

I'm the Campaigns Director for Friends of Animals in New York City. We have had tremendous positive feedback and support from our many members throughout NYC for the Dining With Dogs bill. It's very disappointing to see the Health Department try to alter and ruin the spirit of this law which makes NYC more dog-friendly and helps increase restaurant revenue. The bill had wide support among animal advocacy groups, restaurant owners, dog-owners and residents and was passed by the NY Senate and Assembly and signed into law by Gov Cuomo. The City should not intervene to change the law now. This same legislation is already the law in California and they haven't had problems or issues associated with it. Please allow the Dining With Dogs bill to become the law of the land without altering it. Edita Birnkrant Friends of Animals

#30

Jannette Patterson

Comment:

I live on the Upper West Side where we have a large number of restaurants with outdoor dining. I helped campaign to allow restaurant owners to CHOOSE to allow dogs in outdoor dining areas for 3 reasons: #1 It supports local restaurants. Many dog owners work long days and would choose to dine out if they could take their dog along, rather than eat at home. #2 It keeps dogs inside the dining area, rather than tied to the OUTSIDE of the dining area where leashes can be a tripping issue for pedestrians walking by. #3 It improves the quality of life for people and their dogs. Dogs are better behaved when they have time with others, rather than being left home alone. California passed this law last year and it is going well --and has anyone been to France? Come on! In NYC dogs are allowed in most bookstores, retail shops, etc. where they have more a risk than an outdoor dining area. If restaurant owners and staff are required to 'police' dogs records, they may choose to simply not allow them, which would effectively kill this important effort. Please, give NYC a better quality of living by keeping this rule as is.

Agency: [DOHMH](#)

#31

Donald Moss

Comment:

I would go to restaurants several nights/week weather-permitting if I could bring my dog, and I know many others who would do the same. I'm not going to leave my dog at home alone at night after he spent many hours alone at home during the day. Please don't put up roadblocks that will make it impossible for restaurants (and their customers) to take advantage of the new (and long overdue) ability to bring our dogs to the outdoor area of restaurants.

Donald Moss

Comment:

I attended the hearing today at DOH and we heard EIGHT testimonials from those who do NOT APPROVE of the proposed changes to the law and there was NO ONE in support of them. At this time, there are only 3 comments on this site in support, the other 25 do NOT WANT the law changed. The public has spoken loudly and clearly on this issue for a second time!

Agency: [DOHMH](#)

#32

rich mcbride

Comment:

We do not eat out unless we can take our dog and we are UWS residents always looking for restaurants, cafes, etc. who will accommodate us. We would eat out more if we found more places welcoming us with our Havanese. Since his breed is hypo-allergenic we do not have to worry about those who are allergic, and with whom I empathize and have sensitivity toward. I am a big fan of liberating dog owners and allowing them to bring their pet if they so choose. it is a lot of responsibility and easier to leave them at home. I laud those who act responsibly and the establishments willing to have those who do behave responsibly. Not all dog owners do of course, as we can see by the evidence on the streets. The provision to check licences is silly, spurious and burdensome, especially since the city stop sending new tags. Employees of restaurants have enough to concern themselves with and do not need to become unpaid enforcers of the law. I do agree it should be up to each establishment if they wish to invite dogs or not. I do not wish to frequent someplace that does not truly want us, nor should they be forced to. And if the law allowed a cover charge or small fee for a dog by the restaurant, I would not oppose it, to compensate for the bother and water bowls supplied, etc. What astounds me is that there are not more spots like one in Chelsea where one can walk their dog and buy coffee and a bagel through a sliding window opening to the sidewalk. The industry is missing a great opportunity. And, speaking of coffee, why are all carts in Central Park only selling ice cream and soda and NOT coffee and donuts???!!!!??? even in the dead of winter they are selling ice cream instead of hot chocolate! The City needs to change this.

Agency: [DOHMH](#)

#33

Dawn Ladd

Comment:

I would welcome NYC restaurants allowing dogs to sit in outdoor patios. As someone who works long hours, I would love to be able to come home from a long day, leash up my canine companion Polly and have some dinner. Because I live in a walk up apartment, I would be much less likely to eat out if I have to make the trip up the steps an extra time. But I have tried it. I always feel badly about tying Polly up. Leashing dogs to a nearby post or fence is cumbersome and can cause a hazard as people have to navigate the already crowded sidewalks. And a very for-lone dog... Most hospitals now welcome dogs - certainly if dogs do not pose a threat to health in such an institution, they wouldn't pose a thread to an outdoor eating situation. After all, people's shoes carry dirt and bacteria but we aren't asked to remove our shoes. My experience after living in NYC for many years is that people love dogs. It is very common that people will smile, and even stop to talk when they see me with my dog. I would urge NYC to try this new proposal out. If a restaurant doesn't want to participate, they don't have to and any decision one way or the other would be reversible. So long as participation is made easy without unreasonable requirements, I believe restaurants, dogs and their companion people will benefit. Let's give it a try.

Agency: [DOHMH](#)



#34

Sharon Discorfono

Comment:

As an Upper West Side resident with canine family members, I am a huge proponent of restaurants being given the option to allow patrons to bring along the pups. NYC dogs, in general, are a well-socialized group; they already know how to get along with other dogs as well as how to behave around the neighborhood as they encounter people and a whole host of stimuli. Of course, if a particular animal is being disruptive, a restaurant owner/manager retains the right to ask their guardians to leave. Other cities have shown that this is a very feasible arrangement for all involved. As for the proposed rules: the expectations placed on restaurant owners is too much. First, requiring them to check the licenses of dogs is not only onerous, but also will not always be accurate since the City no longer replaces tags each year. Second, requiring the extra barrier to the sidewalk would make a patio dining area look more like an obstacle course. Let's try to keep things as simple as they can be, while creating a pleasant and safe dining environment for everyone. Unnecessary and burdensome rules will just have the effect of deterring restaurant owners from allowing patrons to bring along the pups.

Agency: [DOHMH](#)

#35

Annette Akers

Comment:

I strongly oppose the proposed rules in order for dogs to dine at restaurants with their owners. First of all, they make no sense and are just an obstacle to force restaurant owners to prohibit dogs. Wait staff are already too busy to be burdened with a task that has no purpose. One of the joys of living in NYC is to have the pleasure to take my dog to a restaurant. Often, I will stop at a restaurant for a quick bite while walking my dog. It helps the restaurant owner and is a convenience to me. If I have to schlep all the home to drop off my dog, I might as well eat at home. Let's not make NYC the anti-dog city.

Agency: [DOHMH](#)

#36

patricia knudsen

Comment:

I am a frequent NYC diner. I will boycott NYC if this wonderful ability to bring my companion animals is removed. Boycotts Work Wonders! All comes full circle. As it should. Trish Knudsen, 347-400-0006

Agency: [DOHMH](#)



#37

Matthew Hamilton

Comment:

As a restaurant owner, I strongly oppose having any animal in a dining space. I have two opinion on this as an owner of an establishment. 1. Dogs carry around on their feet and their coat all the grime and filth that you find on the city streets. They also carry feces on them. Dogs owners believe that their pet are clean and safe and that there is no way that it can harm anyone. They are wrong. Allowing dogs into dinning areas, even outside, will increase the chances that our customers will become sick from and dog that is carrying harmful bacteria. If our customers do become sick from an animal, it will become our responsibility to compensate the sick customer and it could potentially be damaging to our reputation as a clean establishment. Kitchen workers have to wear hats in the kitchen at all times. Having animals in dinning space will increase the chance that a customer will complain about hair being in their food even though the kitchen is wearing hats. Hairs from animals have been found in food. 2. Dog owners that bring their animals to outside cafes usually ask that we provide water for their pet. I refuse siting that we do not have any containers designated for animals as the containers we use are for humans. This, 95% of the time, ends up with a negative comment on social media, saying that we are not dog friendly even though they are asking us to potentially get another customer sick be having their pet use our dinnerware. We live is a city were staff is everywhere. Maybe dog owners should do a little research on how their animal contributes to infections of humans in this city instead of just saying that my pet, companion, "deserves" to accompany me at my favorite outdoor café.

Agency: [DOHMH](#)

#38

SA Berg

Comment:

Dogs are truly man's best friend. I agree with the pro-dog comments listed below. Dogs should definitely be allowed on a restaurant's outdoor patio. City dogs know their place, and people who have dogs and spend the time with them make sure that they are behaved. The license check is completely ridiculous. Please don't make this law into a burden for restaurant owners.

Agency: [DOHMH](#)

#39

Sean Sheer

Comment:

dog owner here! i am voicing my support for the least restrictive rules possible. dogs rule! let them join us at the table!!!! i am going to advocate for this on our blog  
[www.urbandognyc.com](http://www.urbandognyc.com)

Agency: [DOHMH](#)

#40

Susan Meirs

Comment:

If the rule were to specify that dogs remain leashed while in outdoor dining areas it would eliminate the need for fencing. It would also be safer for diners, staff and dogs to keep each dog with its owner. Please remember that in the case of sidewalk dining dogs walk by on leashes inches from the diners as a matter of course, it would seem that putting up fences in order to allow dogs inside may be counter-intuitive.

Agency: [DOHMH](#)

#41

Garrett Rosso

Comment:

I worry about the language requiring restaurants to check if dogs are wearing a valid license. Currently there is less than 10% compliance among dog owners with annual licensing and no city agency actively enforcing this. This places an undue burden on restaurants who face potential fines and increased liability if an unlicensed or unvaccinated pet should injure a patron. Neither the police nor the parks department actively enforce licensing. Nor do retailers or veterinary professionals. This seems an onerous burden for restaurants whereas the liability should solely be the responsibility of the pet owner.

Agency: [DOHMH](#)

#42

Neri Kastner

Comment:

New York is a big city and can be quite lonely, especially for single people. Many of us consider our pets to be like our children or at least our best friends. Having our dogs keep us company when we eat makes the experience so much nicer! For restaurants that make the choice to allow people to bring their dogs to join them, why should the city then put up barriers that would make it difficult or impractical to do so? Restaurant owners welcoming dogs are aware that certain people will be against the idea. But they also know that others will visit more frequently if they can have their dogs with them. Shouldn't the proprietor be allowed to make the decision? Dogs are welcomed at all restaurants in Paris, even inside. The French have not suffered from health problems because of this. Humans go to restaurants even when they are sick or have a cold, which puts others at risk of becoming sick - much greater risk than getting sick from nearby dogs. (Note that owners don't get sick from their dogs, even though many sleep in their beds!) Anyone who walks down the street or goes on the subway is exposed to a multitude of human viruses, bacteria, etc. That would seem to be much more worrisome. Lastly, pet owners know that they are responsible for any harm caused by their pets and will not bring a dangerous or badly behaved dog to a restaurant or anywhere else where that dog can pose a threat to the general public. Let New York business owners choose what is best for their business!

#43

Shari LaPayover

Comment:

Please don't put such burdens as these on NYC restaurants that will disincline those who want the myriad benefits of dog -friendly outdoor dining from offering it for fear of violations and repercussions. New York State's PHL 1352-e was well vetted, researched, other jurisdictions experiences were consulted, including several with crowded high trafficked streets and sidewalks, and medical, health, veterinary and other experts were consulted. Reasonable additional control measures localities in other jurisdictions have implemented include having restaurants notify the appropriate agency (which would be a useful database for companion dog New Yorkers and tourists), keep hand sanitizer on tables, and keep a sanitation kit in the outdoor area for employees or patrons to use in the event of a doggie accident, and general items to include in signs conspicuously displayed to patrons and employees (rather than dictating verbiage).  
Shari LaPayover, Attorney at Law, Manhattan

#44

courtney chandel

Comment:

Dining with Dogs is a great idea. I can't have a dog where I live, and would love to spend time with other dogs while going out for a bite- and I'm sure there are a lot of people who feel the same. As far as a written earlier concern that dogs would bring contaminants in on their feet- well, they wouldn't be bringing in any more contaminants than what people bring on their feet. And the last I checked, most restaurants have 21st century machines called dishwashers, in case a dog went so far as to come in contact with silverware, etc. Incidentally, human saliva isn't much cleaner than a dog's- if at all. I understand a concern about providing dishes. Many restaurants already have dishes for dogs who stay outside of a fence at a restaurant- they seem to make do! Finally, it's not the job of restaurant personnel to check dogs to see if their rabies tags and licenses are up to date. This is absurd. Dog runs don't require it, and neither should they. And dogs are off leashes! "Give the people (and dogs) what they want."

#45

Pamela Goldsmith

Comment:

The proposed rules are onerous and clearly anti-animal and created as payback for the legislation and Gov Cuomo signing into law. The rules are onerous, unnecessary and a backhand approach to restrict restaurants from availing themselves of the law and allowing dogs in outdoor dining sections. The DOH should embrace this law, rather than waste time and effort in obliterating it. A majority of NYC constituents support the law and want the option to bring their canine companion - these proposed rules will unnecessarily prevent that!

Agency: [DOHMH](#)

#46

Henry Goldberg

Comment:

This has nothing to do with public health. We are surrounded by dogs in this city, and its specious to create an issue where none exists. If a patron has the dog on a leash one has to presume the animal is healthy. I personally like it when I know there are animal lovers nearby. Yes, this city is all about creating a regulation so a fine can be created to make money - that's what this is all about!

Agency: [DOHMH](#)

#47

Derek McNally

Comment:

I oppose the rules proposed by the Department of Health and Mental Hygiene (the "Department"). By the Department's own admission, its proposed rules are based on a 'suggestion' of the FDA. PHL 1352-e is based on actual research that demonstrates that there is no risk of harm to humans by allowing dogs in the outside areas of restaurants. Cities that have adopted similar rules (see, San Francisco and Los Angeles) report no increase in complaints or incidents between people and dogs after the passage of such laws. Moreover, the Department is unfairly and without authority asking restauranteurs and their staff to become enforcers of its rules, which is unreasonable, especially in light of the fact that no restaurant is under any legal obligation to allow (non-service) dogs. I urge you to let PHL 1352-e go into effect in NYC without alteration. Thank you.

#48

Nickolaus Sackett

Comment:

I don't understand the need for the proposed rule changes. They don't appear to have anything to do with public health issues. Currently, restaurants do not have to have a wall/fencing between their outdoor seating and public walkways where dogs will pass. Requiring fencing between outdoor patios and public walkways seems arbitrary at this juncture. Furthermore, asking restaurants to check dog licenses is incredibly burdensome and is not required in many of public settings where dogs are allowed. The Dept. of Health is clearly using these proposed rules as a political tool rather than truly looking after the health of the public.

#49

M Millar

Comment:

I support the Dining with Dogs law minus the prohibitive restrictions being proposed. This law will help the economy, encouraging dog owners to eat out (and spend) more which will bring in extra business for restaurants. Additionally, seeing people eating outdoors will encourage more people to check out the restaurants being frequented. Lastly, dogs will spend fewer hours unattended at home. It's a win for everyone as long as the rules are not so prohibitive that they prevent most from participating. Thank you for your time and consideration.

Agency: [DOHMH](#)

#50

Shaunna Sargent

Comment:

As a restaurant owner that has an outdoor patio with stanchions outlining the boundaries, I absolutely in every way shape and form believe dogs SHOULD NOT be allowed in restaurants or on their patios. For those who are not dog owners, having a dog eating beside you while you're eating is completely disgusting. The sight, the smell, the mess. None of this belongs in a place where people are spending money to dine. Your dogs are not your dining guests, they are ANIMALS. Nearly all comments left here are by dog owners. For the rest of us, NO ONE wants to eat with your dog. I completely support these regulations. Dogs DO NOT belong in restaurants, outside or not, people that are not dog lovers are paying to eat there.

Agency: [DOHMH](#)

JAN 26 REC'D

THE ASTOR

EST. 1901  
235 WEST 75TH STREET

How does requirement to  
show proof of vaccines + license  
+ barriers protect public health?

DONNY MOSS  
JANNETTE PATTERSON  
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IN RESIDENCE AT THE ASTOR