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August 20, 2019

Dear Senator Lucido:

Thank you for preparing Senate Bill 419 and soliciting comments. The Michigan Pet Fund Alliance shares your concerns with regard to bad apples operating in the home-based animal rescue environment.

As the only statewide organization, working directly with cat and dog home-based animal rescue organizations, we have established best practices and offer certification to those that follow the practice. The Michigan Rescue Certification Program was launched eight years ago, to fill the void in the establishment of standards. The program and materials have been used as a model by national animal welfare organizations along with state and local groups in the US and Canada. The program can be found: <https://www.mirescuecertification.org/>.

It was our hope that SB 419 would reinforce our efforts to professionalize the operations of rescue groups, however, the bill as written has the potential of penalizing some, if not most, of the professionally run organizations, while letting the bad apples slip through loopholes. By way of examples – the current definition (H) “Animal Rescue” means a person that acquires an animal through purchase, adoption, owner surrender, or any other means for the purpose of finding the animal a new home and that maintains the animal in a Foster Home.

This definition may well exclude the vast majority of home-based animal rescues in Michigan. Most of the home-based animal rescues are corporations or limited liability companies. It is the company or the corporation (organization) that gains ownership of the animal and it is the company or the corporation (organization) that adopts the animal. Most are governed by a board of directors and no single individual is in charge. Well run corporations obtain IRS not for profit status along with a license from the Attorney General to solicit charitable funds.

The definition also does not cover an individual who might acquire an animal through purchase, adoption, owner surrender, or any other means for the purpose of finding the animal a new home but does not do it through foster homes. Last Chance Rescue in Livingston County or ROAR in Calhoun County, both considered troubled rescue organizations, operate solely from the operator’s residence, but because they don’t use foster homes would be exempt.

The provision which states “Before registering an animal rescue, the department may inspect some or all foster homes utilized by the animal rescue to ensure that the foster homes comply with this act and the rules promulgated under this act” is especially troublesome. Fosters are everyday folks that open their home to a dog or cat awaiting placement to a permanent home. Inspection by a state agency is authority overreach, especially since current regulations focus on physical structures and not standards of care. We queried two of our certified rescues and asked if they would lose foster homes if the foster was required to give permission for state inspection without cause. One of the rescues conducted a poll of their current foster homes and 76% said they would not agree to such a provision. The second rescue indicated anywhere from 50%-75% would discontinue fostering. If there is some justifiable rationale for this provision, why are foster homes used by shelters not included?



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It would be devastating to licensed shelters if home-based animal rescue organizations lost a substantial number of foster homes due to such a provision, especially high-volume shelters such as Detroit Animal Care and Control, Genesee County Animal Shelter and Macomb County Animal Shelter. These shelters, and many others, rely on home-based animal rescue organizations to pull animals especially those that don't do well in a shelter environment, and those with medical and behavior issues. The result of fewer foster homes would be increased costs to the shelters and capacity issues requiring killing for space.

If the intent of the bill is to identify foster homes with too many animals, foster homes are more likely to agree to either a number limit of animals in any home and/or agree to an inspection based upon an official written grievance or complaint.

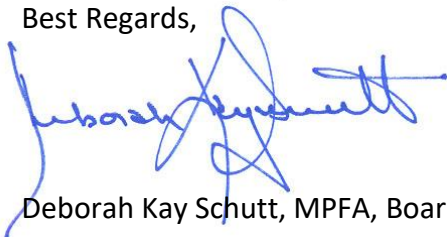
It is very important that any new legislation provide the basis for new and effective regulations. The Department of Agriculture and Rural Development MDARD has acknowledged that Regulation 151, those related to this act, applied to shelters are inadequate for Large-Scale Breeding operations. They will be even less useful for home-based animal rescue organizations.

Social media and the internet has made it possible for shelters to develop various methods to accomplishing stray-hold, while keeping the animal out of the shelter, therefore reducing shelter costs. The provision requiring a written contract between a shelter and a rescue to perform stray-hold may very well provide a burden to government shelters where effective systems already exist, especially in urban areas where dozens of home-based animal rescue organization may serve a single county. Recognition of those systems should be reinforced with a requirement that home-based animal rescue organizations and individuals conform to the requirements of the local Animal Control who is responsible for stray hold, as opposed to assuming a written contract is the best option.

Finally, we observe there are individuals and groups identifying themselves as "rescues" when they are not, some of which is problematic and should fall under state regulation. These include pet retailers, animal carriers, animal dealers, dog flippers and possibly exhibitors and sanctuaries.

We recommend that a new stand-alone bill be prepared to address registration of home-based animal rescue organizations and those operations listed above. We have benchmarked what other states have implemented and we are offering our assistance to draft such legislation and solicit input by those to be affected. Like you, we want to address and eliminate the bad apple problems and at the same time garner support by those involved and affected so once a bill is introduced it easily can be passed.

Best Regards,



Deborah Kay Schutt, MPFA, Board Chair

cc: MPFA Board and Advisory Committee