



Animal Law Update

Washington, D.C., Enacts Legislation to Protect Companion Animals in Cold Weather

December 1, 2017

As winter approaches, many caring people wonder what legal protections exist for companion animals left outside in very cold weather. Although most guardians are cognizant of the need to bring animals indoors when the temperature drops, many animals still suffer and freeze to death after being left out in the cold. Each state has an animal cruelty law under which an owner could potentially be charged for mistreatment, but some also have provisions that directly address extreme weather. This year has witnessed a tremendous increase in social awareness about the issue of dogs in hot cars, and with it a flurry of new laws protecting Good Samaritans who take action to rescue an animal from a closed vehicle. There are currently few laws that specifically address the problem of animals left outside in cold weather, but Washington, D.C., has recently passed one of the strongest in the nation.

On Oct. 24, 2017, District of Columbia Mayor Muriel Bowser signed into law the **Standard of Care for Animals Amendment Act of 2017** [↗](#), which “establishes under what extreme weather conditions that keeping animals outside would constitute cruelty to animals.” It significantly improves the district’s animal protection laws by mandating specific standards of adequate care and empowering humane officers to enforce them.

According to the Humane Rescue Alliance, which helped craft this legislation, highlights of the amendment include the following:

- *Provides Humane Rescue Alliance officers with the authority to issue citations and warnings in cases of intentional or grossly negligent harm to an animal.*
- *Defines “adequate shelter.” When the temperature is at or below 40 degrees Fahrenheit, “adequate shelter” shall mean that a the dog has access to a shelter large enough for the dog to stand up and turn around, that has an entrance covered by a flexible wind-proofing material or self-closing door, that contains a platform for the dog at least 4 inches off the ground, and that contains dry bedding, which must consist of an insulating material that does not retain moisture, such as straw, of sufficient depth for the dog to burrow. When the temperature is at or above 80 degrees Fahrenheit, “adequate shelter” shall additionally mean that a dog has access to a shelter shaded by trees, a roof, a tarp, or a tarp-like device.*

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- Clarifies that an animal cannot be outdoors for more than 15 minutes during periods of extreme weather without human accompaniment or adequate shelter. Extreme weather means temperatures below 32 degrees Fahrenheit or above 90 degrees Fahrenheit.

The amount of detail provided in the definition of “adequate shelter” in both cold and hot weather is notable, as is mandating a maximum amount of time an animal may be left outside unaccompanied. Such clarity is rare among similar laws, which are often vague and lack specific standards of care. This makes it difficult to determine what constitutes criminal cruelty or neglect, which in turn creates difficulties for law enforcement and can be an obstacle to actually using the law to help an animal in distress. The clarity provided in this amendment should be used as a model for other jurisdictions looking to improve their animal protection laws.

The district’s new law originated with a 90-day emergency bill, the **Extreme Weather Protection for Animals Act of 2017** [↗](#), which was passed in February 2017 due to an outpouring of public concern about a **pit bull named Momma** [↗](#) who was **left outside in freezing temperatures** [↗](#) for weeks. Neighbors tried to help the dog to no avail; despite repeated complaints to the city, Momma received no help. The emergency bill specified what actions must be taken to help animals like Momma left outside in frigid temperatures. Unfortunately the emergency law was not able to help this particular dog, whose owner removed her from the premises after a local news station reported on her situation. But the 90-day provision that Momma’s plight inspired is now a permanent law that can be used to help neglected animals like her in the future.

According to Councilmember Brandon Todd, who introduced the legislation after learning about Momma’s mistreatment:

“This comprehensive animal-welfare bill creates a ‘Standard of Care’ that all pet owners must comply with – something brand new for the District. By providing the authority necessary to holistically protect the health and safety of District animals, we can prevent others from suffering like Momma, a Petworth pit bull left outdoors in frigid temperatures whose inhumane treatment triggered an outpouring of concern and my introduction of an earlier version of this legislation.”

Strong animal protection laws are an important tool to safeguard animals’ wellbeing. Also crucial, especially to prevent tragedies, is public outreach and education. Some people who keep companion animals are intentionally negligent, while others are simply unaware. As such, the district’s law also contains provisions for an Animal Education and Outreach Fund, funded by dog license fees, to provide low-cost spay and neuter services and implement “an educational program for animal owners regarding pet care and safety, specifically in extreme weather conditions or emergencies, and the laws relating to pet ownership.”

Besides strong animal protection laws and public education, there is another important component to preventing animal suffering: you. Neglected animals depend on the involvement of caring community members. The fact that concerned neighbors could not help Momma when she was left outside to suffer in the cold is distressing. However, their efforts raised awareness and resulted in the passage of one of the strongest cold weather laws in the nation. If you see an animal in distress, including one who has been left outside in frigid temperatures this winter, you should document the conditions, preferably by taking photographs and/or video, and call your local law enforcement or animal control. For more information, see the Animal Legal Defense Fund’s resource: “How to help a neighbor’s neglected animal.”

Further Reading:

- **Text of Standard of Care for Animals Amendment Act of 2017** [↗](#). Signed October 24, 2017.
- Humane Rescue Alliance. “**DC Council Passes Standard of Care for Animals Amendment Act of 2017** [↗](#)” [Press Release]. October 3, 2017.
- Schweitzer, Ally. “**How ‘Momma’ The Petworth Pitbull May Bring Change To D.C. Animal Cruelty Laws** [↗](#).” *WAMU*. January 18, 2017.
- “**A frozen heart: A dog left outside in Freezing temperatures, frustrated neighbors and a city agency that can’t seem to help** [↗](#).” [Blog post.] *Petworth News*. January 9, 2017.

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Companion Animals ▾

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Governor Andrew Cuomo signed the “No Pet Left Behind” law in August 2018. The new legislation requires officers enacting an eviction warrant to check the premises for companion animals and to coordinate their safe removal.

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