

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

Senate Bill 535

(Senator James, *et al.*)

Judicial Proceedings

Environment and Transportation

Human Relations - Housing Discrimination - Service Dogs

This bill prohibits discriminatory practices in the sale or rental of a dwelling against an individual with a disability who (1) has or obtains a service dog or (2) retains the individual's former service dog after its retirement from service. Such individuals: (1) must be exempt from any provision in a lease or rental agreement prohibiting the keeping of dogs; (2) may not be required to pay any additional rent or fee for the dog; (3) may keep the former service dog in the dwelling for the life of the service dog after its retirement from service; and (4) must be liable for any damage done to the premises by the dog. A "service dog" is defined as a dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability. "Service dog" does not include a dog that (1) as a result of the animal's presence, is meant to deter crime or (2) provides only emotional support, well-being, comfort, or companionship to an individual.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finance or operations.

Local Effect: The bill is not expected to materially affect local finances or operations.

Small Business Effect: Minimal.

Analysis

Current Law: In general, State law prohibits housing discrimination because of race, sex, color, religion, national origin, marital status, familial status, sexual orientation, gender identity, source of income, or disability.

Subject to limited exceptions, and among other provisions, a person may not:

- discriminate in the sale or rental of (or otherwise make unavailable or deny) a dwelling to any buyer or renter because of a disability of the buyer or renter or an individual residing in or intending to reside in the dwelling after it is sold, rented, or made available;
- discriminate against any individual in the terms, conditions, or privileges of the sale or rental of a dwelling (or in the provision of services or facilities in connection with the dwelling) because of the disability of the individual or an individual residing in or intending to reside in the dwelling after it is sold, rented, or made available;
- refuse to allow, at the expense an individual with a disability, reasonable modifications, as specified; or
- refuse to make reasonable accommodations in rules, policies, practices, or services when the accommodations may be necessary to afford an individual with a disability equal opportunity to use and enjoy a dwelling.

Generally, a person claiming to have been injured by a discriminatory housing practice may file a complaint with the Maryland Commission on Civil Rights (MCCR); an individual may also file a civil action in circuit court. Statutory provisions specify the process and requirements for complaints of housing discrimination, including the responsibilities of MCCR in investigating a claim and attempting conciliation and the circumstances under which a complainant, respondent, or aggrieved person must have an opportunity for an administrative hearing conducted by the Office of Administrative Hearings or may elect to file a civil action in circuit court.

If an administrative law judge (ALJ) finds that the respondent has engaged in a discriminatory housing practice, the ALJ may order appropriate relief, including actual damages and injunctive or other relief, and may assess a civil penalty against the respondent. A court may award actual or punitive damages, grant injunctive relief, and allow reasonable attorney's fees and costs.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 608 (Delegate Lehman, *et al.*) - Environment and Transportation.

Information Source(s): Maryland Commission on Civil Rights; Baltimore City; Judiciary (Administrative Office of the Courts); Office of Administrative Hearings; Department of Legislative Services

Fiscal Note History: First Reader - February 21, 2023
km/jkb Third Reader - March 22, 2023
Revised - Amendment(s) - March 22, 2023
Enrolled - May 1, 2023
Revised - Amendment(s) - May 1, 2023

Analysis by: Brandon Stouffer

Direct Inquiries to:
(410) 946-5510
(301) 970-5510