



Maryland Developmental
Disabilities Council

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House Environment and Transportation Committee
SB 535: Human Relations – Housing Discrimination – Service Dogs
March 28, 2023
Position: Support IF Amended

Assistance animals play an important role in the lives of people with disabilities – they help eliminate barriers, create opportunities, and promote independence.

- We agree with the intent of SB535 – to prohibit discrimination in the sale, rental, or housing for people that have a working or retired assistance animal. In fact, current state and federal law also support this. We propose two amendments to the bill.
- The first amendment addresses the definition of the service animal intended to be protected by SB 535. The federal Fair Housing Act requires accommodation of assistance animals, and defines assistance animals as “an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or that provides support that alleviates one or more identified effects of a person’s disability.” An assistance animal is not a pet. According to federal law, an assistance animal provides assistance, performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified effects of a person’s disability.

We strongly recommend this Committee amend the current bill and adopt the definition of “assistance animal” that is consistent with our federal Fair Housing Act (FHA). The FHA prohibits as discrimination, the charging of pet fees or enforcement of a “no-pet” policy when the animal is an assistance animal for a qualified person with a disability and may be reasonably accommodated. This bill appears to limit those protections to service dogs only and thus conflicts with federal law.

The second amendment we propose is to broaden the application of the bill to any qualified person with a disability who has an assistance animal. Currently, the bill limits the protections to those who are blind or low vision and people who are deaf or hard of hearing.

- **This directly conflicts with existing federal law and is therefore not valid.**

Federal law acknowledges that assistance animals perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. For example, a service animal may safely guide a child who is blind or deaf; alert a person to medical emergencies, like seizures or diabetes or panic attacks; or pull a wheelchair.

As such, we support SB535 only if the limited definition of service dog is removed, or broadened to include assistance animals in accordance with the Fair Housing Act; and only if the bill applies to any qualified person with a disability who has an assistance animal, as defined by federal law.