

SB 535 Favorable.pdf

Uploaded by: Hindley Williams

Position: FAV



SB535--Human Relations – Housing Discrimination – Service Dogs and Guide Dogs

Support

Testimony of Maryland Centers for Independent Living

House Judicial Proceedings Committee, February 23, 2023

The seven Centers for Independent Living (CIL) were established by federal law and work to ensure the civil rights and quality services of people with disabilities in Maryland. Centers for Independent Living are nonprofit disability resource and advocacy organizations located throughout Maryland operated by and for people with disabilities. CIL staff and Boards are at least 51% people with disabilities. We are part of a nationwide network which provides Information and Referral, Advocacy, Peer Support, Independent Living Skills training, and Transition Services.

The Maryland White Cane Law guarantees civil rights protection to users of service animals including guide dogs. There is one serious omission to the protection of these rights; users whose service dogs are no longer able to work must choose between being able to keep their dogs or finding another place to live. Landlords and Home Owner Associations (HOAs) sometimes force the disabled person to put the dog down or give the dog to another person. They also sometimes allow the owner to keep the dog, but demand monetary compensation.

The Independent Living community recognizes the value service dogs provide to the lives of people with disabilities, and the emotional connection that exists between the dog and the handler which continues after the dog is no longer able to work. Service dogs retire for a number of reasons, including age, health conditions, or other inabilities that prevent working. A service animal user may have many years with their retired service dog and wish to maintain lifelong companionship with their dog. Having to put the dog down, rehome it, or find a new place for the handler to live in order to keep the retired service animal represents an unnecessary hardship for both the handler and the service animal.

Senate Bill 535 remedies this issue by exempting renters with retired service dogs from pet fees and housing denial due to rental policy regarding dogs. The proposed legislation will have little impact on the landlord or HOA. The landlord will still receive their rent as governed by the lease or their HOA fees as governed by the HOA. The Independent Living community is in favor of this legislation as it will benefit service animal users and the dogs who spend their lives forming bonds with them.

Contact Information:

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The IMAGE Center
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Human Relations - Housing Discrimination - Service

Uploaded by: Lisa Radov

Position: FAV



**THE HUMANE SOCIETY
OF THE UNITED STATES**



February 23, 2023

To: Senate Judicial Proceedings Committee
From: Lisa Radov, President and Chair, Maryland Votes for Animals, Inc. and Jennifer Bevan – Dangel, The Humane Society of the United States
Re: Human Relations- Housing Discrimination – Service Dogs and Guide Dogs – SB 535 - Favorable

Chair Smith, Vice - Chair Waldstreicher, members of the Senate Judicial Proceedings Committee, thank you for the opportunity to testify before you today. My name is Lisa Radov. I am the President and Chair of Maryland Votes for Animals, Inc. We champion humane legislation to improve the lives of animals in Maryland. Speaking for Maryland Votes for Animals and the Humane Society of the United States, I respectfully ask that the Senate Judicial Proceedings Committee vote favorably for Human Relations - Housing Discrimination – Service Dogs and Guide Dogs – SB 535.

This bill would prohibit a person from discriminating in the sale or rental of, or otherwise making unavailable or denying, a dwelling to an individual with a disability who has, obtains, or retains a certain service dog or guide dog.

Service and guide dogs are different than dogs adopted purely as pets. While service and guide dogs may become treasured and beloved members of the family, they provide a vital service to an individual with disabilities. The Americans with Disabilities Act defines Service Animals "...as animals/dogs ... that are individually trained to do work or perform tasks for people with disabilities."

These animals undergo vigorous training to perform their duties and must be very well-behaved canine citizens to graduate from their programs. While their owners often develop strong bonds with the animal, service animals are there to help. They perform vital tasks and lifesaving duties including guiding the blind, aiding the deaf, alerting and protecting a person from increased harm during a seizure, reminding a person to take medication, and more.

Under the Americans with Disabilities Act, service dogs are legally entitled to accompany their owners under the Americans with Disabilities Act into all service establishments as they provide a specific service and are protected under the law. Using that standard, if a service or guide dog can go into a shop or restaurant, they should also be permitted to reside in disabled person's dwelling.

Retired service and guide dogs have lived most of their lives as model canine citizens dedicated to service. They should be allowed to live out their senior years with their owners, free from the fear that once they have retired, they would not be welcome.

By passing SB 535, we ensure that disabled people and dedicated working service or guide dogs – including beloved retired service or guide dogs who have dedicated their best years to helping others – can live together and are protected under the law.

Thanks to Senator James for sponsoring SB 535. I urge the committee to give this bill a favorable report.

Jennifer Bevan-Dangel, Maryland State Director
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Hackert Support for SB535.pdf

Uploaded by: Sharon Maneki

Position: FAV

To: Maryland Environment & Transportation Committee

Date: 14 February, 2023

From: Matthew Hackert

mhackert@nfb.org

Address: 5719 Kavon Ave, Baltimore, MD 21206

Subject: Support for Maryland SB535

Dear Committee Members,

I am writing to you advocating in favor of Maryland SB535, which would extend existing protection given to service dogs through the Americans with Disabilities Act (ADA) beyond their working life, through their retirement. These protections include exemptions from pet restrictions and surcharges by landlords which for blind guide dog users would in many cases make it prohibitively expensive to keep a guide dog with them after it has passed the age where it can safely and effectively perform its training as a guide, or completely disallow the dog to remain with its handler.

Guide dogs are highly trained animals which are well-socialized to the public. With a competent handler, this training is constantly reinforced throughout the life of the partnership, and continues into the dog's retirement. As a result, a strong bond develops between dog and handler, and separation upon retirement because the handler cannot afford pet fees, or would be barred from keeping the dog with them would constitute a difficult trauma, on top of an already difficult process of simply retiring a dog, and considering acquiring a new dog to replace the retired one.

I am currently working my fifth guide dog, who I brought home from a training program on August 5, 2022. All of my past guides have had very successful partnerships, and because I happened to be a home owner when it was time for them to retire, I could keep them with me while returning to the guide dog school to train with a new guide. However, family circumstances are different this time. My wife and I are in the process of going through a divorce and thus transitioning to separate housing. While we own our home today, this is not a permanent circumstance. We live with my current guide Artemis, as well as my retired dog, Igloo. However, as an example, one affordable rental option charges an additional \$300 monthly [this needs verification; the amount is somewhere between \$250 and \$350] Other housing options have large breed restrictions, or do not allow pets at all.

While things currently remain amicable between my wife and I, this is not guaranteed. But even assuming they stay amicable, it is not certain that she won't also need to find an interim housing solution which could run into the same issue of my retired guide being subject to pet fees or restrictions.

Blind guide dog users like me face great uncertainty in these kinds of situations and may not have local friends or family who would be willing and able to adopt their retired guides. More importantly, many dog handlers may not wish to be forced to give up their retired dog because they are suddenly no longer protected by the ADA. For me, this is certainly presenting some significant challenges and uncertainty.

Kind regards,

Matthew C. Hackert

Jensen Support for SB535.pdf

Uploaded by: Sharon Maneki

Position: FAV

Subject: Support for SB535 – Housing Discrimination – Service Dogs and Guide Dogs

From: Meleah Jensen

meleahheather@gmail.com

Address: 15 Charles Plaza, Apartment 206, Baltimore, MD, 21201

To: Members of the House Environment and Transportation Committee

My name is Meleah Jensen, please correct a loophole in the law and permit retired guide dogs to stay with their owner by voting in favor of SB535.

Unfortunately, I was only able to work with my dog Calvin for 3.5 years. Calvin was a very good dog, until he experienced some trauma on an MTA bus. He refused to get on the bus after this experience. Since I do not drive, taking the bus was my only option. The vet gave me anxiety pills for him, but they only made him lethargic, so I had to retire him.

The apartment complex where I live has a no pets policy. Finding another home for my guide dog was a problem and having to euthanize him was something that I refused to do. Eventually, I was lucky enough to find a couple to take Calvin by accident. They happened to ask me how I was doing and then offered to take the dog. Most blind people are not that lucky. You cannot count on accidents to solve this problem so please vote in favor of SB535.

Nettles Support for SB535.pdf

Uploaded by: Sharon Maneki

Position: FAV

Subject: Support for SB535 – Housing Discrimination – Service Dogs and Guide Dogs

From: Terri Nettles

terrinnettes@comcast.com

Address: 3330 N Leisure World Blvd, Silver Spring, MD, Apartment 219, 20906

To: Members of the House Environment and Transportation Committee

My name is Terri Nettles, I am asking you to vote in favor of SB535 because it will benefit me as well as other blind people who have guide dogs.

My guide dog is named Nevil and we have been successfully working together for 4.5 years. When he reaches the point of retirement because he can no longer work, I would definitely have to move or find a new home for him. Leisure World, where I live, does not allow dogs over 20 pounds so I could not keep him unless you pass this bill. I deliberately chose Leisure World and moving from there would be a hardship.

This bill will not only help those who have to face retirement of their dog today but will also benefit people in the future. This bill will also reduce anxiety for the blind person. Please vote yes for SB535.

Shirek Support for SB535.pdf

Uploaded by: Sharon Maneki

Position: FAV

Subject: Support for Sb535 – Housing Discrimination – Service Dogs and Guide Dogs

From: Sherry Shirek

sshirek@nfb.org

Address:

101 E Wells Street

Apt A502

Baltimore, MD 21230

To: Members of the Environment and Transportation Committee

2/13/2023

My name is Sherry Shirek, please support SB535 so that other blind people do not have to experience the same trouble that I had.

In 2011, my guide dog (Tennessee) could no longer work. I had worked with him for 9.5 years; he was my constant companion. The apartment where we lived had a no pets policy. They informed me that I had to get rid of my dog or move. I had a very hard time finding someone to adopt my dog. I checked with friends, advertised in the community but could not find anyone who would be home to take care of Tennessee. The veterinary doctor took him for a little while and found a retired person to take care of him. The dog was not happy with the new owner, and Tennessee eventually died. It still breaks my heart when I think about it.

I got a new dog Millie and she worked with me, but she died in April 2022. I currently live in an apartment where there is a onetime pet fee of \$300.00. If I was to get another dog, and had to retire her, I would have to pay \$25.00 per month along with the \$300.00. This fee on top of the \$1,825.00 rent per month that I currently pay is beyond my means, so I have decided not to get another dog which is a hardship. I have made this decision because I do not want to experience the trauma of having to look for a new home and losing the dog. If this bill passes, I may get another guide dog. Please give a favorable vote for SB535.

Stephanie Flynt Support SB535.pdf

Uploaded by: Sharon Maneki

Position: FAV

To: House Environment and Transportation Committee

From: Stephanie Flynt

Stephanie.michael.flynt@gmail.com

Address: 1201 East West Highway, Unit 116, Silver Spring, Maryland 20910

Subject: Support for SB535 – Housing Discrimination – Service Dogs and Guide Dogs

Please support SB535 and reduce the uncertainty blind people face around retiring their guide dog and housing stabilization.

Nala Belle is my first dog. After a 30 second introductory belly scratch, she jumped up and ran towards her guide dog harness, and thus, our working partnership began. We have been a successful working team for 7.5 years: making our way through college courses, extracurricular activities, and internships; moving halfway across the country for my first job after college, and then to another city for my current job; figuring out how to social distance when at the grocery store during the Covid-19 pandemic; making sure I walked down the steps as opposed to physically falling off the stage after singing and playing the piano at my momma's celebration of life/memorial service.

As it applies to housing under the current law, service animal users can be subject to pay a one-time pet fee or reoccurring pet rent. In some cases, the service animal user may even have to choose between figuring out an alternative living arrangement for their service animal or vacating an affordable, accessible long-term renting situation that is in a walkable area or close to public transportation. Adjusting to retirement is hard enough for the service animal and the user without having to factor in these logistics.

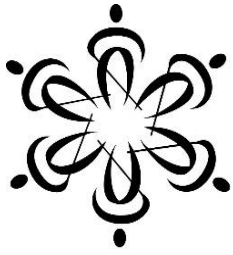
I don't like to think about it, but I know there will come a day when I hang up Nala Belle's harness for the last time. While I don't know exactly when that day will come, I do know that her training and obedience skills will stay intact. A lot can change when a service animal retires, but the house manners my girl has known since puppyhood will no doubt remain the same as they are in her working career.

Today I urge you to vote yes on SB535, which would close this loophole in the law by ensuring Marylanders with service animals, like myself, are not financially penalized for wanting to keep their service animal's beyond retirement.

Support for SB535 Guide Dogs.pdf

Uploaded by: Sharon Maneki

Position: FAV



NATIONAL FEDERATION
OF THE BLIND
MARYLAND

Live the life you want.

Subject: Support for SB535

From: Members of the National Federation of the Blind of Maryland

To: Members of the House Environment and Transportation Committee

Contact: Ronza Othman, President
National Federation of the Blind of Maryland
15 Charles Plaza, #3002
Baltimore, MD 21201
Phone: 443-426-4110
Email: President@nfbmd.org

Date: February 21, 2023

THE PROBLEM

The Maryland White Cane Law guarantees civil rights protection to users of service animals including guide dogs. There is one serious omission to the protection of these rights; users must choose between being able to keep their dogs when they are no longer able to work and finding another place to live. Landlords and Home Owner Associations (HOAs) sometimes force the disabled person to put the dog down or give the dog to another person. They also sometimes allow the owner to keep the dog, but demand monetary compensation.

PROPOSED ACTION

The House Environment and Transportation Committee should update the White Cane Law to protect the rights of users of service animals including guide dogs. Landlords and HOAs should specifically permit service animals and guide dogs to stay with their owner when retired. The landlord and HOAs should also be prohibited from demanding monetary compensation to permit the service animal to stay on premises once a service animal retires.

BACKGROUND

The White Cane Law has been in operation in Maryland for decades. From time to time, it has been updated when the needs and rights of disabled individuals warrant it. Handlers of service animals, including guide dogs, are permitted to be accompanied by the animal in the employment setting and public accommodations. The service animal is also permitted to guide the disabled handler so that the handler can travel safely in the community. With regard to housing, the law is unsatisfactory and incomplete. Maryland residents have been forced to choose between rehoming their retired guide dogs and moving themselves due to current laws, which do not protect residents whose service animals retire. Disabled users should not only be permitted to rent an apartment or house even though they are accompanied by a service animal or guide dog, but should be able to keep the animal with them when the animal must be retired.

BENEFITS OF THE PROPOSED LEGISLATION

The proposed legislation will have little impact on the landlord or HOA. The landlord will still receive their rent as governed by the lease or their HOA fees as governed by the HOA.

The handler has an emotional commitment to the guide dog or service animal since they have usually worked with the animal for ten years or more. Having to put the dog down, rehome it, or find a new place for the handler to live in order to keep the retired service animal represents an unnecessary hardship for both the handler and the service animal.

Conclusion

The Maryland White Cane Law is an important protection of civil rights. The law will offer stronger protection by amending it to allow a retired animal to stay with its handler. The amendment should contain a specific prohibition against additional compensation for the landlord. Please give a favorable report to SB535.

Committee Intro Remarks (Guide Dog Bill).pdf

Uploaded by: Susan Kivioja

Position: FAV

MARY-DULANY JAMES
Legislative District 34
Harford County



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Judicial Proceedings Committee
Executive Nominations Committee

Senate Chair

Joint Committee on
Children, Youth, and Families

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony of Senator Mary-Dulany James
February 23, 2023

Senate Judicial Proceedings Committee
The Honorable William C. Smith, Jr.
2 East Miller Senate Building
Annapolis, Maryland 21401

Re: Senate Bill – 535– Human Relations – Housing Discrimination – Service Dogs and Guide Dogs
Position: SUPPORT

Dear Chairman Smith and Members of the Committee,

Good afternoon fellow committee members, it is my pleasure to testify in support of SB535 Human Relations - Housing Discrimination - Service Dogs and Guide Dogs.

Service and Guide dogs are classified by the Americans with Disabilities Act (ADA) as being considered separate from pets, since these animals are trained to assist their owners with a diagnosed disability. With service animals falling under ADA and federal Fair Housing Act provisions, landlords are required to provide “reasonable accommodations” for their owners, meaning landlords must allow the disabled person to make full use of housing. For a disabled person needing a service animal, one deemed reasonable accommodation is an exception to the “no pets” policy.

These provisions have worked well for years, allowing users of service and guide dogs to find and select appropriate housing. Problems have arisen when the service animal is retired from duty. Tragically, some landlords holding a “no pet” policy have required the users to pay monetary compensation or get rid of the dog once it is retired and no longer under ADA and Fair Housing Act provisions. If a family member is unable to take the animal, they are often sent to rescues or euthanized.

SB535 would specifically permit service and guide dogs to stay with their owner when retired from service. Users would not be required to pay any additional rent or fee for the dog to the landlord. It is important to note that landlords currently and would continue to be allowed to seek money from the tenant if there is any damage caused by the animal to the property. Additionally, the Maryland Multi-housing Association has no problems with the bill.

This is a commonsense bill which would allow guide and service dog users to continue to love and enjoy these animals that have faithfully served them after retirement. Historically, retired dogs acclimate well to no longer being in service and enjoy their pet status, even when a new service or guide dog is in place within the household.

I urge a favorable report on Senate Bill 535. Thank you for your kind consideration.

SB 535.Service Dogs MCCR Ltr. of Information.02.21

Uploaded by: Gerald Ford

Position: INFO



State of Maryland Commission on Civil Rights

Respect...Integrity...Effective Communication

February 23, 2023

Senate Bill 535 – Human Relations – Housing Discrimination – Service Dogs and Guide Dogs

POSITION: Letter of Information

Dear Chairperson Smith, Vice Chairperson Waldstreicher, and Members of the Judicial Proceedings Committee:

The Maryland Commission on Civil Rights (“MCCR”; “The Commission”) is the State agency responsible for the enforcement of laws prohibiting discrimination in employment, housing, public accommodations, health services, and state contracts based on race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, gender identity, genetic information, physical and mental disability, and source of income.

Senate Bill 535 proposes amending Section 20–706 of the State Government Article to add protections against discrimination for disabled individuals who have a service dog or guide dog. The bill includes those individuals whose dog is retired from service. These individuals would be exempt from provisions that prohibit keeping dogs in a rental property or that require paying any cost to keep the dog.

MCCR recognizes and supports the intent of SB 535 to eliminate a source of discrimination against persons with disabilities in housing. SB 535’s first provision—(b)(6)(I)—aims to make a common-sense amendment to § 20-706 to provide an explicit provision in the housing context for people with disabilities who use service dogs, as already exists in other areas like employment. MCCR agrees with this sentiment, however, there are ambiguities in the bill—particularly in (b)(6)(II) on page 3, lines 1-2—that should be clarified.

SB 535 refers to a “service dog” or “guide dog.” However, neither the bill nor Title 20 defines these terms. MD. CODE REGS. 14.03.02.02(13) provides a definition of “service animal,” but it speaks to guide dogs, signal dogs, or other animals. This is broader than this legislation’s specific focus on dogs. Conversely, the Americans with Disabilities Act defines a service animal more narrowly as a dog that has been individually trained to work or perform tasks for an individual with a disability. Thus, a definition clearly defining the terms is needed for the purpose of this legislation.

“Our vision is to have a State that is free from any trace of unlawful discrimination.”

Governor
Wes Moore

Lt. Governor
Aruna Miller

Commission Chair
Stephanie Suerth, MPA,
CCEP

Commission Vice Chair
Janssen E. Evelyn, Esq.

Commissioners
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SHRM-SCP
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Assistant Director
Martine Chery

General Counsel
Glendora C. Hughes

**Director of Education
& Outreach**
Kara N. Hunt, Ph.D.

In addition, the bill does not explain the bounds of what qualifies as a service dog, namely whether that term would include emotional support dogs. For example, the Department of Housing and Urban Development has explained that the Fair Housing Act uses the term assistance animal, defined as an animal that works, aids, or performs tasks for the benefit of a person with a disability, or that provides emotional support that alleviates one or more identified effects of a person's disability. Again, SB 535 does not explicitly state whether the "service dog" or "guide dog" language is intended to include support dogs.

Relatedly, SB 535 does not describe what establishes a dog's "retirement." Whether a service or guide dog is considered retired could create problems between potential residents and property owners who disagree on the dog's status—retired, or merely a pet. SB 535 should provide how and who will decide at what point the dog is retired. For instance, would retirement be based on the owner's declaration of retirement? Importantly, there is no official entity that monitors service animals, nor are service animals required to be professionally trained, so an official determination from a third party agency is likely not possible.

Further, MCCR recommends removing the word "pet" from the proposed legislation. It could be misleading to call a retired service or guide dog a "pet," when there are significant distinctions between an animal that a person obtains for the purpose of being a pet, and a retired service animal who can no longer provide the service they were trained to do. This distinction is crucial in the context of housing discrimination, because the rationale behind pet policies that forbid dogs in a rental property simply does not apply to former service dogs who are kept by their owners after retirement. For these reasons, the Commission proposes referring to these dogs as retired service or guide dogs.

The Maryland Commission on Civil Rights support the intent behind SB 535 and welcomes the opportunity to further discuss this bill to address the agency's questions. Thank you for your time and consideration of the information contained in this letter. MCCR looks forward to the continued opportunity to work with you to improve and promote civil rights in Maryland.