



# State of Maryland Commission on Civil Rights

*Respect...Integrity...Effective Communication*

February 23, 2023

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## **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.”***

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.