

HOUSE BILL 608

D5

3lr2489
CF SB 535

By: Delegates Lehman, Kaufman, Addison, Allen, Arentz, Attar, Baker, Barve, Boaf, Boyce, Buckel, Chang, Charkoudian, Crosby, Cullison, Ebersole, Feldmark, Foley, Forbes, Fraser-Hidalgo, Grossman, Guyton, Jacobs, A. Johnson, D. Jones, Kelly, Kerr, R. Lewis, J. Long, Love, McCaskill, Miller, Mireku-North, Moon, T. Morgan, Nawrocki, Otto, Rogers, Ruth, Shetty, Simmons, Stewart, Taveras, Terrasa, Tomlinson, Valderrama, Vogel, Watson, Wivell, and Ziegler

Introduced and read first time: February 3, 2023

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2023

CHAPTER _____

1 AN ACT concerning

2 **Human Relations – Housing Discrimination – Service Dogs and Guide Dogs**

3 FOR the purpose of prohibiting a person from discriminating in the sale or rental of, or
4 otherwise making unavailable or denying, a dwelling to an individual with a
5 disability who has, obtains, or retains a certain service dog ~~or guide dog~~; and
6 generally relating to discrimination in housing.

7 BY repealing and reenacting, with amendments,

8 Article – State Government

9 Section 20–706

10 Annotated Code of Maryland

11 (2021 Replacement Volume and 2022 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
13 That the Laws of Maryland read as follows:

14 **Article – State Government**

15 20–706.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(a) **(1)** In this section, ~~“covered”~~ **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) **“COVERED multifamily dwelling” means:**

~~(1)~~ **(I)** a building consisting of four or more units, if the building has one or more elevators; or

~~(2)~~ **(II)** a ground floor unit in a building consisting of four or more units, if the building has no elevator.

(3) **(I)** **“SERVICE DOG” MEANS A DOG THAT IS INDIVIDUALLY TRAINED TO DO WORK OR PERFORM TASKS FOR THE BENEFIT OF AN INDIVIDUAL WITH A DISABILITY.**

(II) **“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.**

(b) Except as provided in §§ 20–703 and 20–704 of this subtitle, a person may not:

(1) 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:

(i) the buyer or renter; or

(ii) an individual residing in or intending to reside in the dwelling after it is sold, rented, or made available;

(2) 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 a disability of:

(i) the individual; or

(ii) an individual residing in or intending to reside in the dwelling after it is sold, rented, or made available;

(3) refuse to allow, at the expense of an individual with a disability, reasonable modifications of existing premises occupied or to be occupied by the individual, if:

(i) the modifications may be necessary to afford the individual with a disability full enjoyment of the dwelling; and

(ii) for a rental dwelling, the tenant agrees that, when the tenant vacates the dwelling, the tenant will restore, at the tenant's expense, the interior of the dwelling to the condition that existed before the modification, except for reasonable wear and tear;

(4) 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; [or]

(5) fail to design or construct a covered multifamily dwelling for first occupancy as required under subsection (c) of this section; **OR**

(6) DISCRIMINATE IN THE SALE OR RENTAL OF, OR OTHERWISE MAKE UNAVAILABLE OR DENY, A DWELLING TO AN INDIVIDUAL WITH A DISABILITY WHO:

(I) HAS OR OBTAINS A SERVICE DOG ~~OR GUIDE DOG~~; OR

(II) RETAINS THE INDIVIDUAL'S FORMER SERVICE DOG ~~OR GUIDE DOG AS A PET~~ AFTER ITS RETIREMENT FROM SERVICE.

(c) (1) On or after July 1, 1991, a covered multifamily dwelling for first occupancy shall be designed and constructed so that:

(i) the public use and common use portions of the dwelling are readily accessible and usable to individuals with disabilities;

(ii) all the doors designed to allow passage into and within all premises within the dwelling are sufficiently wide to allow passage by individuals with disabilities in wheelchairs; and

(iii) all premises within the dwelling contain the following features of adaptive design:

1. an accessible route into and through the dwelling;

2. light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

3. reinforcements in bathroom walls to allow later installation of grab bars; and

4. usable kitchens and bathrooms so that an individual in a wheelchair can maneuver about the space.

(2) The requirements of paragraph (1) of this subsection are satisfied by compliance with:

(i) the appropriate requirements of the most current revision of the American National Standard for Buildings and Facilities Providing Accessibility and Usability for Physically Handicapped People (commonly cited as ANSI A117.1); or

(ii) the federal law, regulations, and guidelines on handicapped accessibility adopted under the federal Fair Housing Amendments Act of 1988 and incorporated by reference in the regulations adopted by the Department of Housing and Community Development under § 12–202 of the Public Safety Article.

(D) AN INDIVIDUAL WITH A DISABILITY WHO HAS, OBTAINS, OR RETAINS A SERVICE DOG OR GUIDE DOG AS PROVIDED IN SUBSECTION (B)(6) OF THIS SECTION:

(1) SHALL 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 INDIVIDUAL'S SERVICE DOG OR FORMER SERVICE DOG; ~~AND~~

(3) MAY KEEP THE INDIVIDUAL'S FORMER SERVICE DOG IN THE DWELLING FOR THE LIFE OF THE SERVICE DOG AFTER ITS RETIREMENT FROM SERVICE; AND

~~(3)~~ (4) SHALL BE LIABLE FOR ANY DAMAGE DONE TO THE PREMISES BY THE INDIVIDUAL'S SERVICE DOG OR FORMER SERVICE DOG.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2023.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.