



**THE HUMANE SOCIETY**  
OF THE UNITED STATES

## **“My homeowners association is changing its dog policy. What can I do?”**

The highest court in Maryland has declared that “pit bulls” are “inherently dangerous,” and as a result, owners of these dogs—and their homeowners or condominium associations—can be held financially liable for any damage the dog causes as a result of a bite or attack, regardless of whether the dog has ever bitten before. Unfortunately, the Maryland state legislature failed to address the impacts of this ruling during the 2013 legislative session, and now there will not be another opportunity to reverse this ruling until January 2014. You can find more information about this ruling—and ongoing efforts to reverse it—at [humanesociety.org/protectmddogs](http://humanesociety.org/protectmddogs).

While the overwhelming majority of dogs are friendly and safe, homeowners and condominium associations may react to this decision by changing their policies related to pit bull-type dogs. Remember, their policy changes are likely driven by their increased liability, NOT by their dislike of dogs, so be polite! If you find yourself in this situation, here are some things you can do.

**Understand which dogs are affected by the Court’s decision.** The Court limited its ruling to true “pit bulls,” specifically excluding mixed-breed dogs from the new increased liability rule. This could provide limited relief to owners of mixed-breed dogs, since these dogs will be subject to the same liability rules as all other dogs. Although ultimately homeowners and condominium associations could still choose to exclude all pit bull-type dogs from the property, educating them about the scope of the ruling could convince them to craft a narrower policy impacting only “purebred” pit bulls.

**Find out what process the association must follow in order to change its policy.** Generally, homeowners and condominium associations are governed by by-laws, and they must follow procedures in order to propose and approve new policies. Read those by-laws carefully to make sure adequate notice was given to the community and to find out what kinds of meetings and votes are required. Understanding the process first is critical in order to engage in it effectively.

**Track down a copy of the actual resolution or policy being proposed.** Check the association’s website to see if the proposed resolution or policy is posted online; if not, call the office and ask for a copy. When you receive it, read it carefully to find out what exactly is being proposed. Is it a complete ban on these kinds of dogs, a ban in communal areas, or a registration system? And what dogs will be impacted? Are dogs who currently live there “grandfathered in”? Is there an opportunity to revisit the policy if the law is changed?

**Reach out to other homeowners living in your community.** If your community has a listserv that residents use to communicate with each other, post a message about the proposed resolution or policy, so that everyone is aware of what is happening. If you don’t have a listserv, consider posting or distributing flyers with this information. Schedule a meeting with interested residents to discuss the proposal and coordinate a response. Provide information to your community about the ruling, who it affects, and the ongoing efforts to reverse it. Find out how many people in your community will be affected if the policy is changed, and ask each of those directly impacted if she or he is willing to be a spokesperson. Encourage anyone with a pit bull-type dog to obtain documentation of the dog’s breed makeup in the form of veterinary records or dog license records. If these records previously listed the dog as a “pit bull,” a more specific determination should be sought. “Pit bull” is not a single, identifiable breed but rather a generic term typically used to refer to multiple breeds and their mixes.

**Make sure your Board has all the information about the ruling.** When you communicate with the board, here are some points to make:

- There is an ongoing effort to reverse this ruling. Lawmakers overwhelmingly agree that landlords, homeowners, and condominium associations should not be strictly liable for dog bites, and they will be taking this up again in January. Unfortunately, they weren't able to agree on the details during the 2013 session.
- This ruling does not apply to mixed-breed dogs, only "purebred" pit bulls and that term is not defined by the Court. If the Board feels a resolution is needed to protect itself from liability while minimizing the negative impacts on residents with dogs, the resolution should be narrowly crafted to mirror the court ruling and should not include other breeds of dogs or mixed-breed dogs.
- If a resolution or policy is approved, it should be revoked, or at a minimum revisited, once the legislature reverses the ruling. Ask for a commitment to reconsider the issue when the law is changed.
- Ask the Board to consider alternatives. Strict leash requirements, mandatory dog training, and public education are far more likely to prevent bites—by dogs of any breed—than banning pit-bull type dogs.
- Remind the Board that all residents deserve to be free from fear of aggressive dogs; size or shape doesn't matter. This is an opportunity to commit to creating a safer community through policies that support owners of friendly, socialized dogs and discourage dangerous or aggressive dog behaviors.

**Attend the meeting and tell your story.** Homeowners and condominium associations are responsive to the people who live there, so make plans to attend the association board meeting at which they will discuss the resolution or policy and bring your friends! Find out if there will be an opportunity for residents to speak and then coordinate testimony ahead of time with people who are directly impacted. Your association board members may love dogs, but they are in a tough position and may respond well to residents who are willing to work with them to find a resolution that both the association and the residents can live with.

**Be Prepared:** If the worst does happen, and you are facing the choice between giving up your dog and giving up your home, please see our tips on how to find temporary or permanent placement options for your dog: [humanesociety.org/dogarrangements](http://humanesociety.org/dogarrangements)