



**THE HUMANE SOCIETY
OF THE UNITED STATES**

Important Information for Maryland Landlords and Property Owners

The highest court in Maryland has declared that “pit bulls” are “inherently dangerous,” meaning that owners of these dogs and their landlords 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. Despite expectations that the Maryland General Assembly would repeal this ruling during the 2013 legislative session, they failed to do so before they adjourned on April 8. The court ruling remains in effect and the next opportunity to address it won’t be until January 2014.

While the overwhelming majority of dogs are friendly and safe, landlords may be understandably tempted to react to this decision by trying to eliminate pit bull type dogs from their properties. However, The HSUS urges landlords to avoid jumping to this conclusion. Not only will this overreaction be bad for families and their beloved pets, it’s likely unnecessary.

This information is not intended as legal advice.

Property owners should consult a licensed attorney to discuss their legal rights and liabilities.

What was the law before this case? The common-law rule for dog bites in Maryland requires a showing that an owner acted negligently in failing to prevent the bite and that he knew, or should have known, the dog was dangerous based on past behavior. Only those who have direct control over the dog can be held liable, not landlords or property owners.

What is the law now? The old common law rule still applies to the majority of dogs. However, under the recent court ruling, if a person is injured by a “pit bull,” there no longer needs to be any evidence that the owner had reason to know the dog was potentially dangerous. The court has imposed a standard called “strict liability,” which says that if the dog is a “pit bull” financial responsibility automatically attaches, not only to the owner but also to landlords and other third parties. The key to this holding, though, is whether or not the dog is actually a “pit bull”—a determination that is nearly impossible, and one that will make future legal actions much more complicated than they might appear.

Which dogs are impacted by the court’s decision? The ruling applies specifically to “pit bulls.” However, “pit bull” is not a breed of dog at all, but rather a generic term typically used to group three breeds of dog and their mixes: the American pit bull terrier (APBT), American Staffordshire terrier (AST) and Staffordshire bull terrier (ST). The ruling expressly excludes “cross-breeds, pit bull mix, or cross-bred pit bull mix” dogs.

What can I do to protect my rights? If your tenants have dogs, your best course of action is to ask for proof of their breed or mixed-breed status through a veterinary record or a licensing record. Unless the dog is definitively identified as APBT, AST, or ST, there is a high likelihood that the dog is not covered by the ruling. Trying to evict the dog, then, under the theory that it is inherently dangerous, could become a protracted legal battle over whether the dog is in fact a “pit bull.” Conversely, having documentation that the dog is not a purebred APBT, AST, or ST may be used as an indication that strict liability for bites or injuries should not apply.