

**Department of Legislative Services**  
Maryland General Assembly  
2024 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 1179 (Delegate Stein, *et al.*)  
Environment and Transportation

---

**Housing and Community Development - Pets in Housing Developments**

---

This bill prohibits an owner (or an agent of an owner) of a housing development that, on or after January 1, 2025, receives a tax credit under the federal Low Income Housing Tax Credit (LIHTC) Program from (1) prohibiting a resident from possessing one or more pets in a dwelling unit or (2) requiring any compensation or payment from a resident for possessing one or more pets in a dwelling unit. However, the State or a political subdivision may impose reasonable restrictions on the possession of pets in a dwelling unit, as specified. The bill applies only prospectively and may not be applied or interpreted to have any effect on or application to any application to the Department of Housing and Community Development (DHCD) under the federal LIHTC Program submitted before the bill's effective date. **The bill takes effect July 1, 2024.**

---

**Fiscal Summary**

**State Effect:** DHCD can implement the bill's requirements with existing resources; however, DHCD advises that insurance costs for affected housing developments may increase due to the bill's prohibition against requiring compensation or payment for possessing pets in an affected dwelling unit, potentially resulting in fewer housing projects receiving funding under the federal LIHTC Program. State revenues are not directly affected.

**Local Effect:** Local governments can implement the bill's requirements with existing resources. No effect on revenues.

**Small Business Effect:** Potential meaningful.

---

## Analysis

**Bill Summary:** Reasonable restrictions imposed by the State or a political subdivision can include (1) leash and insurance requirements and (2) prohibiting dangerous dogs, as defined under the Criminal Law Article. The State or a political subdivision of the State may not impose breed or weight restrictions on pets that may be possessed by a resident of a housing development.

The bill may not be construed to limit or otherwise affect State or local laws or regulations related to public health, animal control or protections, or reasonable accommodations for individuals with a disability. In addition, the bill does not exempt an owner or agent of an owner of a housing development from any liability related to damage caused by the pet of a resident.

“Pet” means a domesticated dog or cat possessed for personal companionship. “Pet” does not include a dog or cat possessed for commercial purposes.

### **Current Law:**

#### *Dangerous Dogs*

A “dangerous dog” is one that has killed or inflicted severe injury on a person without provocation or is determined to be potentially dangerous by a local government and, after that determination (1) bites a person; (2) kills or inflicts severe injury on a domestic animal when the dog is not on its owner’s real property; or (3) attacks without provocation.

A local jurisdiction may determine that a dog is potentially dangerous if it finds that the dog has inflicted a bite on a person while on public or private real property; has killed or inflicted severe injury on a domestic animal when not on its owner’s real property; or has attacked without provocation. The jurisdiction must notify the dog owner in writing of the reasons for its determination.

A dog owner may not leave a dangerous dog unattended on the owner’s real property unless the dog is confined indoors, is in a securely enclosed and locked pen, or is in another structure designed to restrain the dog. A dog owner may not allow a dangerous dog to leave the owner’s real property unless the dog is leashed and muzzled or is otherwise securely restrained and muzzled.

An owner of a dangerous or potentially dangerous dog who sells or gives the dog to another must provide, in writing, specified information about the new owner to the local government unit that made the determination about the dog and notify the new owner about

the dog's dangerous or potentially dangerous behavior. A person who violates these provisions is guilty of a misdemeanor and subject to a maximum fine of \$2,500.

Prince George's County advises that it currently prohibits the ownership of pit bulls.

### *Pets in Housing Units Overseen by Public Housing Agencies*

Generally, tenants who live in public housing developments are permitted to own common household pets, subject to specified prohibitions. The U.S. Department of Housing and Urban Development does not define common household pets but authorizes public housing agencies to develop a reasonable definition or otherwise develop reasonable restrictions on the types of common household pets allowed. Tenant and pet density may be considered by placing reasonable limitations on the number of pets allowed in each housing unit. In addition, reasonable limitations may be placed on the size, weight, and type of pets allowed. Tenants who own or keep pets in their units may be required to pay a refundable pet deposit. The public housing agency may use the pet deposit only to pay for reasonable expenses directly attributable to the presence of the pet, including (but not limited to) the cost of repairs and replacements of the tenant's unit. In addition, the public housing agency must refund the unused portion of the pet deposit within a reasonable time after the tenant moves out or no longer owns or keeps a pet in the unit.

### *Federal Low-Income Housing Tax Credit Program*

The federal LIHTC Program provides an incentive for the development and rehabilitation of affordable rental housing. These nonrefundable federal housing tax credits are awarded to developers of qualified rental projects via a competitive application process administered by state housing finance authorities. LIHTCs are first allocated to each state according to its population. State housing agencies allocate credits to developers of rental housing according to federally required, but state created, Qualified Allocation Plans (QAPs). Federal law requires that the QAP give priority to projects that serve the lowest income households and that remain affordable for the longest period of time.

**Small Business Effect:** Small business owners (or their agents) of housing developments that receive tax credits under the federal LIHTC Program may be meaningfully affected as they are prohibited from requiring any compensation or payment from residents for possessing pets in dwelling units.

---

## **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Howard and Prince George's counties Maryland Municipal League; Department of Housing and Community Development; Maryland Insurance Administration; U.S. Department of Housing and Urban Development; Department of Legislative Services

**Fiscal Note History:** First Reader - March 3, 2024  
km/mcr

---

Analysis by: Thomas S. Elder

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510