

**CITY OF BALTIMORE  
COUNCIL BILL 13-0090R  
(Resolution)**

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Introduced by: Councilmembers Curran, Middleton, Stokes, Holton, Welch, Reisinger, Spector,  
Scott, Mosby  
Introduced and adopted: January 28, 2013

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**A COUNCIL RESOLUTION CONCERNING**

**In Support of State Legislation – Senate Bill 160/House Bill 78 – “Pit Bull” Ruling Fix**

FOR the purpose of urging the swift adoption and enactment of Senate Bill 160/House Bill 78 to address the issue of dog attacks in a fair and science-based manner, while protecting pet lovers, property owners, and small businesses from excessive and damaging new liability concerns.

**Recitals**

The Baltimore City Council supports legislation currently pending in the Maryland General Assembly to overturn the *Tracey v. Solesky* decision and create a fair and reasonable approach to dog bite liability for Maryland.

In the *Solesky* case, the Court of Appeals unilaterally changed hundreds of years of common law by declaring that the owners of “pit bulls”, or any third parties who allowed a “pit bull” onto property under their control, would be strictly liable for any harm the dog might cause, regardless of whether or not there was any prior indication that the animal might be dangerous.

This abrupt change in the law instantly created a new and potentially uninsurable liability risk for tens of thousands of Maryland pet lovers, property owners, and small businesses. Reactions to the imposition of this unexpected liability could cause “pit bull” owners to be evicted from long-rented homes if landlords could not afford to take on the costs of this new risk, force others to choose between their beloved companions and their homes, shutter dog-related small businesses, and overwhelm the State’s animal shelters with pets whose owners could no longer keep them - resulting in many thousands of unnecessary animal deaths.

Additionally, the *Solesky* Court failed to adequately define what it meant by “pit bull” – a term that is used to refer to 3 different specific breeds and often mistakenly applied to many other unrelated dogs – leaving countless dog owners unsure whether the ruling applies to them, making it impossible for property and business owners to properly assess their risks, and setting the stage for prolonged and costly litigation about how to classify particular animals. And, in making their decision, the Court relied on myths and stereotypes, while ignoring the clear scientific consensus – supported by research from sources such as the CDC and the American Veterinary Medicine Association – that breed is not a key predictive factor in dog bites.

Fortunately, Senate Bill 160, and the companion bill, House Bill 78, have been introduced in the 2013 General Assembly session to address the many problems caused by the flawed *Solesky* ruling. These bills would restore the common law approach for third party liability that had prevailed in Maryland for centuries, meaning property and business owners could once again

EXPLANATION: Underlining indicates matter added by amendment.  
~~Strike out~~ indicates matter deleted by amendment.

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1 only be liable for dog attacks if they knowingly allowed a dangerous animal to be present. This  
2 would eliminate the strong financial pressure on landlords to ban dogs and push out dog owners,  
3 while preserving liability where appropriate.

4 The bills also address the concern underlying the original case, that it was sometimes too  
5 difficult for innocent dog attack victims to recover for their injuries from the owners of violent  
6 dogs, by introducing a breed-neutral standard that will force the owners of dogs who injure others  
7 to rebut a presumption that their dog is dangerous, rather than requiring the victim to prove that  
8 the owner knew the dog to be dangerous.

9 All in all, the proposed legislation deals with dog attacks in a fair and evidence-based way  
10 that avoids the many unanticipated problems caused by the *Solesky* decision. It should be  
11 adopted and signed into law as soon as possible.

12 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That the  
13 Council urges the swift adoption and enactment of Senate Bill 160/House Bill 78 to address the  
14 issue of dog attacks in a fair and science-based manner while protecting pet lovers, property  
15 owners, and small businesses from excessive and damaging new liability concerns.

16 **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the Governor, the  
17 Honorable Chairs of the Senate Judicial Proceedings and House Judiciary Committees, the  
18 Honorable Chair and Members of the Baltimore City House and Senate Delegations to the  
19 Maryland General Assembly, the President of the Maryland Senate, the Maryland House  
20 Speaker, the Mayor, and the Mayor's Legislative Liaison to the City Council.