

Public Policy Position
HB 4910 & HB 4911, SB 0608 & SB 0610

The Animal Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 213 members. The Animal Law Section is not the State Bar of Michigan and the position expressed herein is that of the Animal Law Section only and not the State Bar of Michigan. To date, the State Bar does not have a position on this item.

The Animal Law Section has a public policy decision-making body with 15 members. On February 10, 2020, the Section adopted its position after an electronic discussion and vote. 11 members voted in favor of the Section's position on HB 4910, HB 4911, SB 0608, and SB 0610, 0 members voted against this position, 0 members abstained, 4 members did not vote.

Oppose

Explanation:

The Animal Law Section opposes HB 4910 and 4911, which are tie barred, and the corresponding Senate legislation, SB 0608 and SB 0610. HB 4910 and SB 0610 create a new act ("Misrepresentation of Emotional Support Animals"). HB 4911 and SB 0608 make corresponding changes to the Revised Judicature Act regarding landlord/tenant issues. The Section agrees that the misrepresentation of emotional support animals does happen and is a serious issue, because such misrepresentation makes it more difficult for disabled people with legitimate service and emotional support animals. However, these bills address issues already covered by the federal Fair Housing Act (and may well violate that Act). These bills are an overreaction to the problem, which is only understood anecdotally, as there does not appear to be any research or data regarding the prevalence of the false representation of emotional support animals. The penalties are draconian and directed at some of the most vulnerable members of society. These bills could have unintended consequences, such as homelessness for the disabled and/or their animals, who would struggle to find other housing.

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