



CALIFORNIA LAW ON SERVICE DOGS AND PIT BULLS

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RELATED FEDERAL LAW ON SERVICE DOGS

Various federal laws may apply to service dogs in housing. Generally, these laws require housing providers to allow service dogs as a reasonable accommodation and do not allow breed-specific restrictions, although individual dogs may be excluded based on behavior.

According to a 2006 [memorandum](#) from the U.S. Department of Housing and Urban Development (HUD), a housing provider may refuse to allow a service dog based on its breed if the provider's insurer would cancel the contract, substantially increase the costs, or adversely change the policy because of the presence of a certain dog breed.

For more information on service dogs under federal law, see these documents from the [Department of Justice](#) and [HUD](#).

ISSUE

Does California recognize service dogs in housing regardless of the breed? What are California's laws on pit bulls in private homes, such as fencing requirements?

SUMMARY

California's laws on service dogs do not reference breed. The law prohibits denying a person with disabilities equal access to housing accommodations, other than renting a room in a single-family home. This includes refusing to lease or rent to someone on the basis that the person uses a guide dog (for the visually impaired), signal dog (for the hearing impaired), or service dog (for other disabilities) ([Cal. Civ. Code § 54.1](#)). This law does not define guide dog, signal dog, or service dog based on breed. For information on related federal law, see the sidebar.

California law does not set specific requirements for owners of pit bulls. The law establishes restrictions for "potentially dangerous" or "vicious" dogs as defined in the law (see below), based on the individual dog's conduct ([Cal. Food & Agric. Code. § 31601 et seq.](#)).



If a dog is found to be potentially dangerous, it must be properly licensed and vaccinated. When on the owner's property, the dog must be kept indoors or in a fenced yard so that the dog cannot escape and children cannot enter. When the dog is off its owner's property, a responsible adult must keep it under control and on a substantial leash ([Id. §§ 31641 & 31642](#)).

The local animal control department can destroy a vicious dog if, after due proceedings, it is found that the dog's release would create a significant threat to public health, safety, and welfare. If a vicious dog is not destroyed, the court must impose conditions on its owner (such as fencing requirements) to protect the public. A city or county may prohibit the owner of a vicious dog from owning any dog for up to three years, if such ownership would create a significant threat to the public ([Id. §§ 31645 & 31646](#)).

A violation of the law on potentially dangerous dogs is punishable by a fine of up to \$500. A violation involving a vicious dog is punishable by a fine of up to \$1,000 ([Id. § 31662](#)).

Cities or counties in California may adopt programs to control dangerous or vicious dogs, but these programs cannot be specific as to breed. However, breed-specific ordinances are allowed for spay or neuter programs and breeding requirements ([Cal. Food & Agric. Code § 31683](#) and [Cal. Health & Safety Code § 122331](#)).

California law has additional provisions on control of biting dogs. For example, if a dog has bitten people two or more times, an individual, district attorney, or city attorney can file suit against the owner to determine whether the dog's circumstances have changed since the bites so that it is no longer a danger. If the dog has been trained to fight, attack, or kill, this suit can be filed after the first attack causing substantial physical injury. After holding a hearing, the court can issue any order it considers necessary to prevent further attacks, including ordering the removal or destruction of the dog ([Cal. Civ. Code § 3342.5](#)).

CALIFORNIA LAW ON DESIGNATING DOGS AS "POTENTIALLY DANGEROUS" OR "VICIOUS"

Definitions

Under California law, a "potentially dangerous dog" is one that has, without provocation:

1. engaged in behavior off its owner's property twice in the last 36 months that required a person to take defensive action to prevent bodily harm,

2. bitten someone causing an injury, or
3. injured or killed a domestic animal off of the dog owner's property twice in the last 36 months ([Cal. Food & Agric. Code. § 31602](#)).

A "vicious dog" is one that:

1. was previously determined to be and is currently listed as potentially dangerous and continues its aggressive behavior or whose owner fails to comply with the law,
2. has severely injured or killed a person without provocation and in an aggressive manner, or
3. has been seized as a result of its owner's violation and subsequent conviction of a Penal Code violation regarding dog fighting ([Id. § 31603](#)).

Designation

A dog may be deemed potentially dangerous or vicious following an investigation by an animal control officer or law enforcement officer and a court or administrative hearing. If the officer determines that the dog poses an immediate threat to public safety, the dog may be impounded pending the outcome of the hearing ([Id. §§ 31621 & 31625](#)).

The law establishes certain circumstances under which a dog may not be declared potentially dangerous or vicious (for example, if the injured person was trespassing on the owner's property) ([Id. § 31626](#)).

A dog found to be potentially dangerous generally retains that designation for at least three years, except the owner may seek an earlier removal of that designation by demonstrating changed circumstances, such as training, that have mitigated the risk to public safety ([Id. § 31644](#)).

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