

Dog Laws, Part 4 ("When the Dog Bites...")

"Did you ever notice when you blow in a dog's face he gets mad at you? But when you take him in a car he sticks his head out the window!"

-- Steve Bluestone, humorist

Dog bites are the second leading cause of injury to children (behind playground injuries). Here are actual questions I have received about this topic.

Q. One of my apartment neighbors has a dog that was loose. The dog almost bit me when I was closing my car door. Are there any laws about this?

As we discussed in Part 1 of this series, it is against the law for dog owners to allow their dogs to run loose on someone else's property or on a public road or street.

Talk to your neighbor. Let him or her know what happened. Be courteous but clear. Ask your neighbor to please take special care so that the dog will not run loose. As a dog owner, I would want to know if this sort of thing had happened so that I could both apologize and take reasonable steps to control my pet.

You may also want to notify your landlord that your neighbor has an aggressive dog. The landlord may be able to help make sure that the dog does not hurt anyone.

Q. What difference does it make what the landlord knows?

Here is an actual 1996 case from Sumner County, Tennessee. A mom and her 4-year-old son were visiting a friend who rented a home from her mother. The tenant owned two Rottweiler dogs, one male and one female. The dogs stayed in a pen in the front yard with a gate latch that a child could easily open.

Two years earlier, the male dog had attacked a neighborhood child, and the tenant had to pay for that child's medical costs. The female dog had never attacked anyone. On this day, the visiting child opened the gate and the female dog attacked the child and caused severe injuries. The child's mom sued the tenant and her mother, the landlord, for the child's injuries.

The judge ordered the tenant to pay money damages for the child's injuries and medical bills. The judge also ruled, however, that the landlord was not liable, and the mother appealed that part of the ruling.

Generally, a landlord is not liable for injuries caused by a dog that is owned or kept by a tenant. But, if a landlord knows that a tenant is keeping a dog with 'vicious tendencies,' and if the landlord either has control of the premises or has the power to have the dog removed or confined, then the landlord has a legal responsibility to protect visitors and other tenants from injury by the dog.

The Court of Appeals agreed that the landlord had no knowledge or notice that the female dog had "vicious propensities," and ruled that therefore the landlord was not legally responsible for injuries caused by the dog.

If there is ever an aggressive dog where you rent, notify your landlord – not so you can sue the landlord, but so that the landlord will help make sure that the premises are safe for you and other tenants and visitors.

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Note: This column is not intended to take the place of legal advice. All cases are different and need individual attention. Consult with a private attorney of your choice to review the facts and law specific to your case.

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