

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 796

Short Title: Emotional Support Animals - Rental Units. (Public)

Sponsors: Representatives Grange, Szoka, Hardister, and B. Turner (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Health, if favorable, Rules, Calendar, and Operations of the House

April 18, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE LANDLORDS TO MAKE REASONABLE ACCOMMODATIONS
3 FOR PERSONS WITH DISABILITIES TO HAVE MEDICALLY APPROVED
4 EMOTIONAL SUPPORT ANIMALS IN A DWELLING UNIT.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Article 5 of Chapter 42 of the General Statutes is amended by adding
7 the following new section to read:

8 "**§ 42-47. Emotional support animals – nondiscrimination.**

9 (a) For the purposes of this section, the following definitions apply:

10 (1) Emotional support animal. – A companion animal that a health service
11 provider has determined provides a benefit for a person with a disability. The
12 term also includes an assistance animal, as defined in G.S. 14-163.1(a)(1). An
13 emotional support animal shall not be required to be trained or registered
14 under Chapter 168A of the General Statutes.

15 (2) Health service provider. – One of the following:

- 16 a. A physician or psychiatrist licensed under Article 1 of Chapter 90 of
17 the General Statutes.
18 b. A psychologist licensed under Article 18A of Chapter 90 of the
19 General Statutes.
20 c. A clinical social worker licensed under Chapter 90B of the General
21 Statutes.

22 The term does not include a person described in this subdivision that solely
23 provides written documentation or verification to a person with a disability
24 for a fee.

25 (3) Person with a disability. – As defined in G.S. 168A-3(7a).

26 (b) A landlord shall not terminate a tenancy, fail to renew a tenancy, refuse to enter into
27 a rental agreement, or otherwise retaliate in the rental of a dwelling based substantially on the
28 tenant, applicant, or a household member's (i) status as a person with a disability or (ii) use of an
29 emotional support animal.

30 (c) A landlord may require that a person with a disability that is not readily apparent who
31 is seeking reasonable accommodation under this section provide written verification from a
32 health service provider of the following:

33 (1) The person is a person with a disability.

34 (2) A disability-related need exists for the person to use an emotional support
35 animal.



1 (3) The emotional support animal assists the person in managing the person's
2 disability.

3 A landlord may evaluate any additional documents submitted with the request for reasonable
4 accommodation to verify the need for an emotional support animal. A person with a disability
5 that moves from another state may provide written verification from a health service provider
6 licensed in that state.

7 (d) Any person who does any of the following shall be guilty of a Class 2 misdemeanor:

8 (1) Misrepresents to a landlord that the person is a person with a disability or that
9 the person has a disability-related need for the use of an emotional support
10 animal.

11 (2) Makes a materially false statement to a health service provider for the purpose
12 of obtaining documentation or verification that the person has a
13 disability-related need for the use of an emotional support animal.

14 (3) Provides a document or verification to a landlord that misrepresents that an
15 animal is an emotional support animal.

16 (4) Fits an animal that is not an emotional support animal with an item that would
17 cause a reasonable person to believe that the animal is an emotional support
18 animal.

19 (5) As a health service provider, does any of the following:

20 a. Verifies a person's disability status and need for an emotional support
21 animal without professional knowledge of the person's condition
22 adequate to provide a reliable verification.

23 b. Charges a fee for providing a written verification for a person's
24 disability status and need for an emotional support animal and
25 provides no additional service to the person.

26 (e) Nothing in this section shall prohibit a landlord from requiring that a person with a
27 disability who uses an emotional support animal do the following:

28 (1) Comply with the terms of the rental agreement and other rules or regulations
29 applicable to the dwelling unit on the same terms as other tenants.

30 (2) Pay for the cost of repairs that result from any damages to the dwelling unit
31 that are caused by an emotional support animal in the same manner as a tenant
32 who possesses an animal that is not an emotional support animal in a dwelling
33 unit.

34 (3) Sign an addendum or other agreement that sets forth the responsibilities of the
35 owner of the emotional support animal.

36 (f) Subject to any other federal, State, or local law, a landlord who permits a person with
37 a disability to use an emotional support animal in a dwelling unit pursuant to this section shall
38 not be liable for an injury to another person caused by a person's emotional support animal."

39 **SECTION 2.** G.S. 42-53 reads as rewritten:

40 "**§ 42-53. Pet deposits.**

41 ~~Notwithstanding the provisions of this section, the~~ With the exception of an emotional
42 support animal in accordance with G.S. 42-47, a landlord may charge a reasonable,
43 nonrefundable fee for pets kept by the tenant on the premises."

44 **SECTION 3.** This act is effective January 1, 2020, and applies to rental agreements
45 or leases entered into on or after that date.