

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 796  
Second Edition Engrossed 5/7/19

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, nurse practitioner, physician assistant, or psychiatrist  
17 licensed under Chapter 90 of 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.