

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

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

The General Assembly of North Carolina enacts:

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

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

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

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

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

- a. A physician, nurse practitioner, physician assistant, or psychiatrist licensed under Chapter 90 of the General Statutes.
- b. A psychologist licensed under Article 18A of Chapter 90 of the General Statutes.
- c. A clinical social worker licensed under Chapter 90B of the General Statutes.

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"§ 42-53. Pet deposits.

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

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