



# HOUSE BILL 796: Emotional Support Animals - Rental Units.

2019-2020 General Assembly

<b>Committee:</b>	House Rules, Calendar, and Operations of the House	<b>Date:</b>	May 6, 2019
<b>Introduced by:</b>	Reps. Grange, Szoka, Hardister, B. Turner	<b>Prepared by:</b>	Jessica Boney Staff Attorney
<b>Analysis of:</b>	First Edition		

**OVERVIEW:** House Bill 796 would require landlords to make reasonable accommodations for persons with disabilities to have medically approved emotional support animals in a dwelling unit and create a Class 2 misdemeanor for any person misrepresenting a need for an emotional support animal to a landlord.

**BILL ANALYSIS:** Section 1 adds a new section to the General Statutes which does the following:

- Creates definitions for emotional support animal, health service provider and person with a disability.
- Prohibits a landlord from terminating or failing to renew a tenancy, refusing to enter into a rental agreement, or otherwise retaliating in the rental of a dwelling because of a tenant, applicant or household member's disability or use of emotional support animal.
- Permits a landlord to require a person with a non-readily apparent disability to provide written verification from a health service provider.
- Creates a Class 2 misdemeanor for any person who:
  - Misrepresents to a landlord having a disability or need for emotional support animal.
  - Makes a false statement to a health care provider in order to obtain documentation of a disability related need for use of an emotional support animal.
  - Provides documentation misrepresenting an animal as an emotional support animal.
  - Fits an animal with an item causing a reasonable person to believe it is an emotional support animal.
  - As a health service provider, verifies a person's disability status and need for emotional support animal without professional knowledge of the person's condition or charges a fee for providing written verification of a person's need for an emotional support animal with no additional services provided.
- Specifies a landlord is not prohibited from requiring a person with a disability who uses an emotional support animal to comply with terms of the rental agreement, other rules or regulations, or to pay for the costs of repairs resulting from damages caused by emotional support animal.

**Section 2** amends G.S. 42-53 to prohibit charging a pet fee for an emotional support animal.

**EFFECTIVE DATE:** This act is effective January 1, 2020 and applies to rental agreements or leases entered into on or after that date.

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