



Legal Guidelines for Emotional Support Animals in NC

Emotional Support Animals (ESAs) are animals that provide comfort, companionship, and emotional support to people with mental health or psychiatric disabilities. Their presence helps their owner manage symptoms of their disability, and ESAs do not require any special training. ESAs are protected by the Fair Housing Act (FHA). Unlike service animals, which are limited to dogs and miniature horses, ESAs can be nearly any domesticated animal. ESAs are only protected in housing and occasionally on airlines. It's important to note that ESAs are different from other types of support animals:

- **Service Animals:** These animals are protected by the Americans with Disabilities Act (ADA) and are trained to perform specific tasks to assist their owners with disabilities. Unlike service animals, ESAs are not guaranteed access to public places.
- **Therapy Animals:** These animals are trained to offer comfort to people in hospitals, mental health institutions, schools, etc. Unlike ESAs, therapy animals can provide comfort to many different individuals.
- **Pets:** Pets do not have a specific role in providing support for a mental health or psychiatric disability. While pets can provide comfort, they are not considered a form of treatment.

Under the FHA, landlords must make reasonable accommodations for ESAs and service animals, even if they have a “no pets” policy. This includes common areas in housing complexes and campus/university housing. You cannot be charged a pet deposit or pet rent for your ESA or service animal. Both ESAs and service animals are also exempt from a landlord’s size, weight, or breed restrictions. When requesting to have your ESA live with you, your landlord may require documentation confirming (1) that you have a disability, and (2) your disability-related need for your ESA.

Several airlines no longer permit ESAs to fly in the cabin and/or without charging a fee. If an airline does accept ESAs, they may require 48 hours advanced notice and specific documentation, such as:

- Confirmation of a mental or emotional disability recognized in the Diagnostic and Statistical Manual of Mental Disorders (DSM).
- A statement declaring that the ESA is necessary for air travel or activities at the destination.
- Confirmation that the passenger is under the care of a licensed mental health professional who conducted the assessment (including the professional's license details and state of issuance).

Please note that even if an airline permits ESAs, certain animals like snakes, reptiles, ferrets, rodents, sugar gliders, and spiders may not be allowed. Be sure to contact your airline to confirm its policies regarding ESAs.