



HOUSE BILL 352: Hotel Safety Issues.

2021-2022 General Assembly

Committee:		Date:	January 28, 2022
Introduced by:	Reps. Bradford, Mills, Moffitt, Richardson	Prepared by:	Bill Patterson Staff Attorney
Analysis of:	Ratified		

OVERVIEW: *House Bill 352 would have provided that the rental of an accommodation in an inn, hotel, motel, recreational vehicle park, campground, or similar lodging to the same person for fewer than 90 consecutive days does not create a tenancy or a residential tenancy subject to Chapter 42 of the General Statutes. The bill was ratified by the General Assembly on August 19, 2021, and vetoed by the Governor on August 30, 2021.*

CURRENT LAW: Chapter 42 of the General Statutes governs the rights and responsibilities of landlords and tenants in North Carolina. Article 5 of Chapter 42 governs the rights, obligations, and remedies under a rental agreement for a dwelling unit in this State. G.S. 42-39(a) provides that Article 5 does not apply to "transient occupancy in a hotel, motel, or similar lodging subject to regulation by the Commission for Public Health." The term "transient occupancy" is not currently defined by statute. The Commission for Public Health regulates the sanitation of "hotels, motels, tourist homes, and other establishments that offer lodging for pay" pursuant to G.S. 130A-248(a1). G.S. 72-1 requires innkeepers to provide suitable lodging accommodations for guests in an inn or hotel.

BILL ANALYSIS: House Bill 352 would have:

- Enacted G.S. 42-14.5 to provide that:
 - Chapter 42 does not apply to transient occupancy, as defined in G.S. 72-1.
 - An agreement related to transient occupancy does not create a tenancy or a residential tenancy unless expressly provided in the agreement.
- Repealed G.S. 42-39(a).
- Amended G.S. 72-1 to:
 - Require innkeepers to provide suitable lodging accommodations for persons accepted as guests in an inn, hotel, motel, recreational vehicle park, campground, or other similar transient occupancy.
 - Define transient occupancy as the rental of an accommodation by an inn, hotel, motel, recreational vehicle park, campground, or similar lodging to the same guest or occupant for fewer than 90 consecutive days.

EFFECTIVE DATE: House Bill 352 was ratified by the General Assembly on August 19, 2021, and was vetoed by the Governor on August 30, 2021.

Brian Gwyn, counsel to House Judiciary 1, substantially contributed to this summary.

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