



HOUSE BILL 352: Hotel Safety Issues.

2021-2022 General Assembly

Committee:	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	Date:	August 2, 2021
Introduced by:	Reps. Bradford, Mills, Moffitt, Richardson	Prepared by:	Bill Patterson
Analysis of:	Third Edition		Committee Co-Counsel

OVERVIEW: House Bill 352 would provide 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.

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:

- Enact G.S. 42-14.5, which would 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.
- Repeal G.S. 42-39(a).
- Amend 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: The bill would be effective when it becomes law and would apply to a person renting an accommodation in a hotel, motel, recreational vehicle park, campground, or similar lodging facility on or after that date. A person's rental period must be calculated from the first day of consecutive occupation or right of occupation in the lodging facility, regardless of whether the period began before the effective date of this bill.

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

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