



SENATE BILL 53: Hotel Safety Issues.

2023-2024 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	March 7, 2023
Introduced by:	Sens. Sawyer, Overcash, Moffitt	Prepared by:	Karyl Smith* Staff Attorney
Analysis of:	Second Edition		

OVERVIEW: Senate Bill 53 would provide that the rental of an accommodation by 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.

[This bill is identical to the current version of H41, which is primarily sponsored by Reps. Bradford, Mills, McNeely, Wray, and is currently in Senate Rules and Operations of the Senate.]

CURRENT LAW: Chapter 42 of the General Statutes governs the rights and responsibilities of landlords and tenants in North Carolina. G.S. 42-39(a) provides that Article 5 of Chapter 42, which governs residential rental agreements, does not apply to transient occupancies in a motel, hotel, or similar lodging subject to regulation by the Commission for Public Health. G.S. 72-1(a) requires innkeepers to provide suitable lodging accommodations for guests in an inn or hotel.

BILL ANALYSIS:

Section 1 would add new G.S. 42-14.6 in Article 1 (General Provisions) of Chapter 42 to provide that:

- Transient occupancies, as defined in G.S. 72-1(c), are not subject to the provisions of Chapter 42.
- An agreement related to transient occupancy does not create a tenancy or a residential tenancy unless expressly provided in the agreement.

Section 1.5 would repeal G.S. 42-39(a) to conform with the overall exclusion of transient occupancies from Chapter 42 provided in new G.S. 42-14.6.

Section 2 would amend G.S. 72-1 to:

- 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.
- 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.

EFFECTIVE DATE: The bill would be effective when it becomes law and would apply to a person renting an accommodation in an inn, hotel, motel, recreational vehicle park, campground, or similar lodging facility on or after that date. A person's rental period would be required to 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.

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