



SENATE BILL 53: Hotel Safety Issues.

2023-2024 General Assembly

Committee:		Date:	December 6, 2023
Introduced by:		Prepared by:	Bill Patterson Staff Attorney
Analysis of:	S.L. 2023-5		

OVERVIEW: *S.L. 2023-5 provides that 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.*

The act became effective March 19, 2023, and applies to a person renting an accommodation in an inn, hotel, motel, recreational vehicle park, campground, or similar lodging facility. The rental period is calculated from the first day of consecutive occupation or right of occupation in the lodging facility, regardless of whether that day is before the effective date of this act.

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 adds a 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 repeals G.S. 42-39(a) to conform with the broader exclusion of transient occupancies from Chapter 42 provided in new G.S. 42-14.6.

Section 2 amends 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 act became effective March 19, 2023, and applies to a person renting an accommodation in an inn, hotel, motel, recreational vehicle park, campground, or similar lodging facility. 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 act.

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