

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

HOUSE BILL 352
RATIFIED BILL

AN ACT TO CLARIFY THAT OCCUPANTS OF ACCOMMODATIONS PROVIDED BY HOTELS, MOTELS, OR SIMILAR LODGINGS DO NOT CREATE A TENANCY AND ARE NOT SUBJECT TO CHAPTER 42 OF THE GENERAL STATUTES AND TO CLARIFY THAT THESE OCCUPANCIES ARE GOVERNED BY THE STATUTES RELATING TO INNS, HOTELS, AND OTHER TRANSIENT OCCUPANCIES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 1 of Chapter 42 of the General Statutes is amended by adding a new section to read:

"§ 42-14.5. Transient occupancies excluded.

The provisions of this Chapter shall not apply to transient occupancies, as defined in G.S. 72-1(c). An agreement related to a transient occupancy shall not be deemed to create a tenancy or a residential tenancy unless expressly provided in the agreement."

SECTION 1.5. G.S. 42-39 reads as rewritten:

"§ 42-39. Exclusions.

(a) ~~The provisions of this Article shall not apply to transient occupancy in a hotel, motel, or similar lodging subject to regulation by the Commission for Public Health.~~
...."

SECTION 2. G.S. 72-1 reads as rewritten:

"§ 72-1. Must furnish accommodations; contracts for termination valid.

(a) Every innkeeper shall at all times provide suitable lodging accommodations for persons accepted as guests in ~~his inn or hotel~~an inn, hotel, motel, recreational vehicle park, campground, or other similar transient occupancy.

(b) A written statement setting forth the time period during which a guest may occupy an assigned room, signed or initialed by the guest, shall be deemed a valid contract, and at the expiration of such time period the lodger may be restrained from entering and any property of the guest may be removed by the innkeeper without liability, except for damages to or loss of such property attributable to its removal.

(c) For the purposes of this section, a "transient occupancy" is 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."



SECTION 3. This act is effective when it becomes law and applies 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 shall 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.

In the General Assembly read three times and ratified this the 19th day of August, 2021.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

Roy Cooper
Governor

Approved _____m. this _____ day of _____, 2021