

TENANTS' RIGHTS IN BOARDING HOUSES, HOTELS AND MOTELS

In North Carolina, a lease can be written or oral. Tenants and landlords have legal obligations and rights. The landlord must keep the rental home in good conditions. The tenant must pay the rent in full and on time. A landlord must file a civil court case in order to end a lease and make a tenant move.

Who is a tenant? In North Carolina, a tenant is a person who *rents a dwelling*, which can be a condo, an apartment, a single room, a mobile home, or a house.

A person renting a hotel room can be a tenant. Legally, it does not matter whether a place is called a "hotel," "motel," or a "boarding or rooming house." It does not matter if the person is called a "guest." A person renting a hotel room can be a tenant even if what the person pays is called "fees," or if the person does work in exchange for a place to stay. If the room is the person's *primary residence* (their home), then the person is a tenant who can only be evicted by the courts, and not a guest who can be removed by the police as a trespasser.

Factors that a court would look at to decide whether a person renting a hotel room is a tenant include the following:

- is it the person's sole residence?
- how long has the person been staying there?
- does the person get mail there?
- does the person have a key to the room?
- is the room furnished or unfurnished?
- does it have a cooking area/kitchen?
- how often are payments made?
- what are the payments called?
- are regular cleaning or linen services provided?

A person does not have to meet all of the factors above to be considered a tenant. Even if the room doesn't have a kitchen, for example, the person may still be a tenant if they've lived there a long time.

A person living in a hotel room has the same legal rights as any other tenant.

- ▶ A landlord has no right to seize a tenant's belongings for past-due rent.
- ▶ A landlord must file a civil court action to make a tenant move. Only a sheriff can enforce a court decision to evict a tenant. Only the sheriff can padlock a dwelling.
- ▶ Within seven days after the padlocking, a landlord must release a tenant's personal property without any charge or fee.
- ▶ A landlord is not allowed to change locks, turn off the electricity or water, or do other things to force a tenant to move. If a landlord does not follow the law to evict, then a tenant can sue for illegal eviction. A tenant might also get a court order to get back into the dwelling, restore utilities, recover their property, or compensation for its loss.

Legal help. To apply for help from Legal Aid of North Carolina, please visit the website at www.legalaidnc.org or call 704.376.1600 (for Mecklenburg County residents). Tenants outside of Mecklenburg County can call 1.866.219.5262 toll free.