

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 residence*.

What is a rental residence? A rental home can be a condo, an apartment, a room, a mobile home, or a house.

A room can be a *rental residence*. 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 room can be a rental residence even if what the person pays is called "fees," or if the person does work in exchange for a place to stay.

Legal factors that are used to decide *whether a room is a rental residence* include the following.

- _ sole and permanent residence
- _ long-term residence
- _ sole use of the residence
- _ the person has a key to the space
- _ furnished or unfurnished
- _ separate cooking area/ kitchen access
- _ how payments are made
- _ what payments are called
- _ cleaning or linen services
- _ who makes utility cost payments

When a room is a rental residence, the person who lives there is a tenant. She or he has *the same legal rights as any other tenant*.

- A landlord has no right to keep a tenant's belongings if a tenant owes rent.
- Unless and until there is a civil court decision, a landlord cannot make a tenant move.
- Only a sheriff can enforce a court decision to evict a tenant. Only the sheriff can padlock a place.
- Within five to 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 power or water, or do other things to force a tenant to move. If a landlord does not follow the law to evict, a tenant can sue for illegal eviction. A tenant might get a court order to get back into the residence, get the water or power back on, get property back, or compensation.

Legal help. You may call the **Lawyer Referral Service** at **800.662.7660**. There is a fee for a brief consultation. To apply for help from **Legal Aid of North Carolina**, please visit the website at www.legallaidnc.org or call **704.376.1600** toll free.