

Tenants' Rights in Boarding Houses, Hotels and Motels

Can a Person Renting a Hotel Room Can Be a Tenant?

Whether a person staying in a hotel room is a tenant depends on how long they have been there and a consideration of multiple factors. Legally, just because a place is called a “hotel,” “motel,” or a “boarding or rooming house” doesn’t mean that the person staying there isn’t a tenant. 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. However, a person must have stayed at the location for at least 90 days to potentially be considered a tenant.

People who have stayed at boarding houses, hotels, and motels for fewer than 90 consecutive days are not tenants and don’t have the same level of legal protection.

People who have stayed at boarding houses, hotels, and motels for more than 90 consecutive days may be considered tenants based on the factors below.

Factors That a Court Would Look at To Decide Whether a Person Renting a Hotel Room Is a Tenant:

- Is it the person’s sole residence?
- 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 Tenant Living in a Hotel Room Has the Same Legal Rights As Any Other Tenant.

- The landlord must keep the rental home in good conditions.
- The tenant must pay the rent in full and on time.
- 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.