

# **I LIVE IN A HOTEL OR MOTEL, WHAT ARE MY RIGHTS?**

Generally someone who stays at a hotel or motel is a “guest” without much protection under the law. However, in certain circumstances, a hotel/motel guest can become a “tenant” with more legal protection from an eviction.

## **I am currently staying at a hotel or motel, can I be forced to leave?**

Generally a hotel or motel can force a guest to leave if the hotel or motel guest does not pay for the room or breaks the hotel or motel rules. However, if you have stayed in the hotel or motel long enough to become a tenant, you cannot be put out unless the motel or hotel files an eviction case against you.

## **Am I a tenant or a guest?**

Under New York law, a guest becomes a tenant after they stay at the hotel/motel for 30 consecutive days (30 days in a row) without checking out.

## **How long do I have to live in a hotel or motel to become a tenant?**

You have to live in a hotel or motel for 30 days or more to be considered a tenant.

## **If I have lived in a hotel or motel for 30 days or more, can I be put out?**

Yes. The hotel or motel can end your tenancy in one of two ways. First, if you fall behind in your payments, the hotel owner must give you a written notice demanding full payment within 14 days. If you do not pay what you owe by the time the 14 day period ends, the landlord may start an eviction against you.

The hotel or motel owner can also ask you to leave by giving you a notice. The notice will give you either 30, 60, or 90 days to move. The amount of time you get to move is based on how long you have lived in the hotel or motel. If you do not move by the date in your notice, the hotel or motel may start the eviction process.

## **What will happen if I don't move after I receive a notice to move?**

If you don't move, the hotel or motel may serve you with court papers. If the hotel or motel wins the eviction case, you will be served a warrant of eviction by a local constable, marshal, or sheriff. You will have 14 days to move. At the end of the 14 days, you can be put out.

## **I have lived in a motel or hotel long enough to become a tenant. The owner changed the lock to my room! What should I do?**

Call the police. When the police officers arrive, explain the situation to them and ask that they help you re-enter your room. If the police are not helpful, call the station and ask to speak to a captain or a duty officer. If the police refuse to help you, find somewhere safe that you can stay for the night and call Neighborhood Legal Services. We may be able to get you back in your room.

## **I am a tenant in a hotel or motel, but the owner called the police and asked that I be put out! What should I do?**

When the police arrive, explain to them that you have been staying at the hotel or motel for over 30 days and that makes you a tenant. Be sure to refer to the Section 711 of the New York Real Property Actions and Proceedings Law (RPAPL). If the police insist that you leave anyway, do not make the situation worse. Instead follow their instructions, and then call Neighborhood Legal Services. We may be able to get you back in your room. .

**I am a tenant in a hotel or motel. Evictions in New York State have been stopped because of COVID-19. Can I be put out? Does the pause on evictions apply to me?**

If you have lived in the hotel or motel for 30 days or more and you are a tenant, you cannot be put out or evicted before June 18, 2020.