

TENANTS' RIGHTS IN BOARDING HOUSES, HOTELS AND MOTELS

In Pennsylvania, 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 Pennsylvania, 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 may not matter whether a place is called a “hotel,” “motel,” or a “boarding or rooming house.” Also, it may not matter if the person is called a “guest” by the owner of the property. A person renting a hotel room may be a tenant even if what the person pays is called “fees” by the owner of the property. Particularly if the room is the person's *sole residence* (their “home”), then the person may very well be a “tenant” who can only be evicted by the courts, as opposed to 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:

- 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?
- Do you have children? Do the children go to school?
- Does it have a cooking area/kitchen?
- How often are payments made?
- What are the payments called?
- Are regular cleaning and/or linen turndown services provided?

A person does not necessarily have to meet all of the factors above to be considered a tenant.

A person living in a hotel room may have 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 or constable can enforce a court decision to evict a tenant. Only the sheriff or constable can padlock a dwelling.
- ▶ Within 10 days after the padlocking, a landlord must release a tenant’s personal property without any a fee or the tenant must notify that they want to retrieve their personal property within 30 days. In such a case, the tenant is responsible for reasonable storage costs.
- ▶ 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 his/her property, and/or compensation for his/her loss(es).

Legal help. To apply for help from MidPenn Legal Services, call us at 1-800-326-9177 (Monday through Friday from 8:30 a.m. to 3:30 p.m.) or apply online at apply.midpenn.org. In Lancaster County call: 717-299-0971 or 800-732-0025. In York County call: 717-848-3605.