



Senate

General Assembly

File No. 357

February Session, 2002

Substitute Senate Bill No. 591

Senate, April 8, 2002

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING INNKEEPERS AND GUESTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 47a-2 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2002*):

3 (a) Unless created to avoid the application of this chapter and
4 sections 47a-21, 47a-23 to 47a-23b, inclusive, 47a-26 to 47a-26g,
5 inclusive, 47a-35 to 47a-35b, inclusive, 47a-41a, 47a-43 and 47a-46, the
6 following arrangements are not governed by this chapter and sections
7 47a-21, 47a-23 to 47a-23b, inclusive, 47a-26 to 47a-26g, inclusive, 47a-35
8 to 47a-35b, inclusive, 47a-41a, 47a-43 and 47a-46: (1) Residence at an
9 institution, public or private, if incidental to detention or the provision
10 of medical, geriatric, educational, counseling, religious service or any
11 similar service; (2) occupancy under a contract of sale of a dwelling
12 unit or the property of which such unit is a part, if the occupant is the
13 purchaser or a person who succeeds to his interest; (3) occupancy by a
14 member of a fraternal or social organization in the portion of a

15 structure operated for the benefit of such organization; (4) transient
16 occupancy in a hotel or motel or similar lodging; (5) occupancy by an
17 owner of a condominium unit; and (6) occupancy by a personal care
18 assistant or other person who is employed by a person with a
19 disability to assist and support such disabled person with daily living
20 activities or housekeeping chores and is provided dwelling space in
21 the personal residence of such disabled person as a benefit or condition
22 of such employment.

23 (b) Except as otherwise provided in chapter 412 or in this chapter,
24 this chapter shall not apply to the rental of a space or lot in a mobile
25 manufactured home park by a resident of a mobile manufactured
26 home in such park who is also the owner of such mobile manufactured
27 home. This chapter shall apply to the rental of a mobile manufactured
28 home and premises in a mobile manufactured home park by a person
29 other than the owner of such mobile manufactured home. Chapter
30 833a, except sections 47a-52, 47a-55, 47a-56i, 47a-56k and 47a-58 to 47a-
31 61, inclusive, shall not apply to mobile manufactured home parks.
32 Chapters 831, 832, 833 and 834, and the applicable parts of chapter
33 833a, shall apply to all residents of a mobile manufactured home park,
34 including owners of mobile manufactured homes, except as otherwise
35 provided in chapter 412.

36 (c) For the purposes of subdivision (4) of subsection (a) of this
37 section and subdivision (4) of section 47a-36:

38 (1) Occupancy in a hotel, motel or similar lodging for less than
39 thirty days is transient, except that such occupancy is not transient if
40 the dwelling unit or room in such hotel, motel or lodging is occupied
41 as the primary residence of the occupant from the beginning of such
42 occupancy; and

43 (2) Occupancy in a hotel, motel or similar lodging for thirty days or
44 more is not transient, except that such occupancy is transient if the
45 dwelling unit or room in such hotel, motel or lodging is not occupied
46 as the primary residence of the occupant and the occupancy is for less
47 than ninety days.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>

JUD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill establishes a rule for determining when a person is a transient occupant in a hotel or motel or similar lodging for the purposes of identifying the legal rights of both that person and the innkeeper. While the bill would impact those individuals who utilize the state's court system to resolve such conflicts, passage of the bill would not result in any fiscal impact to the state.

OLR Bill Analysis

sSB 591

AN ACT CONCERNING INNKEEPERS AND GUESTS**SUMMARY:**

This bill establishes a statutory rule for determining when a person is a transient occupant "in a hotel or motel or similar lodging" as that phrase is used in landlord and tenant law. Under the bill, anyone who occupies such an establishment for less than 30 days is deemed transient, unless he uses it as his primary residence from the beginning of the occupancy. Occupancy of 30 days or more is deemed non-transient, unless the establishment is not the occupant's primary residence. Occupancy of 90 or more days is non-transient regardless of whether the occupant has another residence. Non-transient occupants are protected under landlord and tenant laws but transient occupants are not; thus, they are subject to, for example, lockout as opposed to eviction.

EFFECTIVE DATE: October 1, 2002

BACKGROUND**Case Law**

The state Supreme Court has held that merely because a person pays rent on a weekly basis does not make him a transient tenant. Rather, the Court suggested a case-by-case determination that would include the following factors in determining whether a particular tenant is a transient: the period of occupancy; nature of the accommodations (i.e., hotel, rooming house, etc.); and presence or absence of cooking, bathing, or toilet facilities in the room. Ultimately, according to the Court, the issue can only be decided on the basis of reasonable inferences drawn from the circumstances of the transaction between the landlord and tenant (*Bourque v. Morris*, 190 Conn. 364 (1983)).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute
Yea 41 Nay 0