

PUBLIC CHAPTER NO. 1027

SENATE BILL NO. 3048

By Raymond Finney

Substituted for: House Bill No. 3083

By McCord, Montgomery, Hardaway

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 111, relative to rented premises unfit for habitation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-111-101(2), is amended by deleting the words and figures "fifty dollars (\$50.00)" and by substituting instead the words and figures "two hundred dollars (\$200)".

SECTION 2. Tennessee Code Annotated, Section 68-111-103, is amended by deleting the section in its entirety and by substituting instead the following:

68-111-103.

Any tenant or third party complainant may file a complaint with the building inspector of the city or county in which the rented premises are located or with the county public health department in which the tenant's rented premises are located, if the premises are, in the opinion of the tenant or complainant and the building inspector or the public health department, in violation of the minimum health standards and consequently unfit for human habitation. The building inspector or representative of the public health department shall inspect the building facility no later than fourteen (14) days after the filing of the complaint. The complaint shall be in writing, and a copy shall be forwarded by certified mail to the tenant's landlord or the landlord's agent. As a condition precedent to the filing of a complaint as provided in this section, the tenant shall have paid all rental sums due and owing. It shall be a condition of this section that no rent shall be paid to anyone except the landlord until the building inspector or a representative of the public health department agrees in writing with the tenant that the premises are unfit for habitation.

SECTION 3. Tennessee Code Annotated, Section 68-111-101, is amended by adding the following language as a new, appropriately designated subdivision:

() "Agent" means a person:

(A) Authorized to act for and on behalf of the landlord for the acceptance of service of process and for receipt of notices and demands or who becomes an agent pursuant to § 66-28-302; or

(B) Authorized to manage the premises.

SECTION 4. Tennessee Code Annotated, Section 68-111-104(a), is amended by inserting the language "or the landlord's agent" immediately after the language "notify the landlord of the premises" in the second sentence of the subsection.

SECTION 5. Tennessee Code Annotated, Section 68-111-104(c), is amended by inserting the language "or the landlord's agent" immediately after the language "forwarded by certified mail to the landlord".

SECTION 6. Tennessee Code Annotated, Section 68-111-101, is amended by the following language as a new, appropriately designated subdivision:

() "Third party complainant" means a health care provider or public employee who, in the regular performance of his or her duties, has been inside a premises occupied by a tenant as defined in subdivision (2).

SECTION 7. Tennessee Code Annotated, Section 68-111-103, is amended by deleting the fourth sentence in its entirety.

SECTION 8. Tennessee Code Annotated, Title 68, Chapter 111, is amended by adding the following as a new section:

68-111-108. The provisions of Section 68-111-103 and 68-111-104 shall not apply to rental agreements in which the rent is assessed and collected monthly, or assessed and collected for a term greater than monthly.

SECTION 9. The Department of Health shall report by March 1, 2009, to the appropriate standing committees of each house the number of complaints received and investigations required by the provisions of this act.

SECTION 10. The provisions of this act shall be repealed on July 1, 2009, and the provisions of law that are amended by this act and were in effect on January 1, 2008, shall be revived and reenacted.

SECTION 11. This act shall take effect upon becoming law, the public welfare requiring it.

PASSED: May 7, 2008



RON RAMSEY
SPEAKER OF THE SENATE



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 28th day of May 2008



PHIL BREDESEN, GOVERNOR