

TENNESSEE CODE ANNOTATED  
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\*\*\* Current through the 2013 Regular Session \*\*\*  
Title 68 Health, Safety, and Environmental Protection  
Chapter 111 Rented Premises Unfit For Habitation  
Tenn. Code Ann. § 68-111-101 (2014)

**68-111-101. Chapter definitions.**

As used in this chapter, unless the context otherwise requires:

(1) "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;

(2) "Landlord" means lessor, one under whom another holds premises as a tenant or lessee;

(3) "Tenant" means one who occupies as a residence the premises of another in subordination to that other person's title and with such other person's assent, express or implied, and whose rental payments do not exceed two hundred dollars (\$200) per week or the monetary equivalent, for any period of payment other than weekly; and

(4) "Third party complainant" means a health care provider or public employee who, in the regular performance of the health care provider's or public employee's duties, has been inside a premises occupied by a tenant.

**HISTORY:** Acts 1973, ch. 139, § 1; T.C.A., §§ 53-5501, 68-40-101; Acts 2008, ch. 1027, §§ 1, 3, 6.

**68-111-102. Minimum health standards.**

The state department of health shall establish and distribute to each county and public health department of the state minimum health standards in the rental of any premises; these standards shall establish living and building conditions of a dwelling that render it unfit for human habitation.

**HISTORY:** Acts 1973, ch. 139, § 2; T.C.A., §§ 53-5502, 68-40-102.

**68-111-103. Complaint.**

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. 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.

**HISTORY:** Acts 1973, ch. 139, § 2; 1981, ch. 352, §§ 1, 2; T.C.A., §§ 53-5503, 68-40-103; Acts 2008, ch. 1027, §§ 2, 7.

#### **68-111-104. Inspection.**

**(a)** The building inspector or the county public health department to whom the complaint is directed shall, within fourteen (14) days of the filing of a complaint, make an inspection of the rented premises. If it is found that the unit is unfit for human habitation, as defined, the building inspector or county public health department shall notify the landlord of the premises or the landlord's agent of the violation found, in writing, by certified mail, and a copy shall be forwarded to the tenant. The notice, in addition to setting out the condition found, shall give the landlord of the premises thirty (30) days in which to correct the condition.

**(b)** If at the expiration of the thirty-day period, as determined by an inspection of the premises by the building inspector or by the county public health department, which inspection shall be made within seven (7) days of the expiration of the period, the landlord of the premises has not corrected the condition, the tenant shall pay to the county clerk of the county in which the premises are located the rental payments that may become due from that date.

**(c)** If the landlord of the premises has not corrected the condition at the expiration of six (6) months from the date of the first notice, as determined by an inspection of the premises by the building inspector or county public health department, which inspection shall be made within seven (7) days of the expiration of the period, the rental payments so made by the tenant to the county clerk shall, upon a certificate of noncompliance being filed with the county clerk by the building inspector or the county public health department, which certificate shall be filed within fourteen (14) days of the expiration of the period, a copy of which shall be forwarded by certified mail to the landlord or the landlord's agent, be forfeited by the landlord of the premises to the state for the use of the agency to whom the complaint was directed and the county clerk shall, at the expiration of the thirty-day period from the date the certificate of noncompliance is filed where no appeal has been had by the landlord as provided in this section, pay to the state for the use of the county agency to whom the complaint was directed, less all fees as provided in § 68-111-106, the rental payments so held.

**(d)** If an appeal is filed by the landlord, the sums so held by the county clerk shall remain on deposit in the special account pending the final determination of the appeal.

**(e)** If the landlord of the premises corrects the condition, as determined by an inspection of the premises by the building inspector or the county public health department, the county clerk shall, upon receiving a certificate of compliance from the building inspector or the county public health department, which certificate shall be filed within fourteen (14) days of the expiration of the period, return the rental payments so held to the landlord of the premises.

**HISTORY:** Acts 1973, ch. 139, § 3; impl. am. Acts 1978, ch. 934, §§ 22, 36; T.C.A., §§ 53-5504, 68-40-104; Acts 2008, ch. 1027, §§ 4, 5.

#### **68-111-105. Retaliatory eviction prohibited -- Vacating during repairs -- Premises not repairable.**

**(a)** No tenant shall be dispossessed of the rented premises or otherwise penalized by the landlord of the premises for prosecuting any complaint under or pursuant to this chapter, or for payment to the county clerk of rental payments where the rented premises are in violation of the standard, as defined pursuant to § 68-111-102.

**(b)** In the event it is necessary to temporarily vacate the premises to carry out repairs, the landlord may get temporary possession from the tenant, and the tenant's rent shall be abated during this period and resume upon the tenant's moving back into the premises.

**(c)** In the event the conditions are such that to repair the building is not feasible, the landlord shall notify the tenant and the agency to which the complaint was directed that the landlord has elected not to repair the structure and shall give the tenant thirty (30) days' notice to vacate the premises. Thereafter, the premises shall not be rented or used as a human habitation, unless and until the condition of violation is corrected.

**HISTORY:** Acts 1973, ch. 139, § 4; impl. am. Acts 1978, ch. 934, §§ 22, 36; T.C.A., §§ 53-5505, 68-40-105.

**68-111-106. Duties of county clerk -- Fees.**

(a) The county clerk of each county is authorized and directed to accept the rental payment sums as provided in this chapter and shall deposit such sums in a special account and shall account for such sums, as provided by law to account for such other sums in the county clerk's possession.

(b) The county clerk, for the county clerk's services, shall receive the sum of five percent (5%) from all such rental payment sums that are forfeited to the state for the use of the county agency to whom the complaint was directed.

**HISTORY:** Acts 1973, ch. 139, § 5; 1981, ch. 352, § 3; T.C.A., §§ 53-5506, 68-40-106.

**68-111-107. Appeal of certificate of noncompliance -- Judicial review.**

The landlord of the premises shall have the right to appeal the findings of the building inspector or of the county public health department to the county board of health of the county in which the premises are located. Where the county has no county board of health, the appeal shall be made to the county mayor of the county in which the premises are located. The appeal shall be made within thirty (30) days from the date of the filing of the certificate of noncompliance. The landlord shall have the right, after the determination by the county board of health or the county mayor, of appeal to the circuit court of the county in which the premises are located. An appeal shall be heard de novo in the circuit court.

**HISTORY:** Acts 1973, ch. 139, § 6; impl. am. Acts 1978, ch. 934, §§ 16, 36; T.C.A., §§ 53-5507, 68-40-107; Acts 2003, ch. 90, § 2.

**68-111-108. Applicability of §§ 68-111-103 and 68-111-104.**

Sections 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.

**HISTORY:** Acts 2008, ch. 1027, § 8.