



State of Tennessee

PUBLIC CHAPTER NO. 400

HOUSE BILL NO. 988

By Representatives Beck, Hardaway, Camper, Clemmons, Jernigan, Alexander

Substituted for: Senate Bill No. 717

By Senators Oliver, Campbell, Kyle, Lamar, Yarbro

AN ACT to amend Tennessee Code Annotated, Title 29 and Title 66, relative to landlord obligations.

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

SECTION 1. This act is known and may be cited as the "Norma Jean Upshaw Act."

SECTION 2. Tennessee Code Annotated, Section 66-7-109, is amended by adding the following as a new subsection:

(i)

(1) As used in this subsection (i):

(A) "Facility" means a facility that:

(i) Provides housing for older persons, as defined in 42 U.S.C. § 3607(b)(2)(C); and

(ii) Receives federal financial assistance that subjects it to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. § 794);

(B) "New property development" means:

(i) Razing a facility to use the real property on which the facility is located for purposes other than to provide housing for older persons, as defined in 42 U.S.C. § 3607(b)(2)(C); or

(ii) Renovating a facility in a manner that requires the tenants of the facility to vacate the facility in order to turn the facility into residential housing offered at a market rate; and

(C) "Residential tenant" means a residential tenant who has a lease or other agreement to live in a facility and who is fifty-five (55) years of age or older.

(2) A landlord shall provide sixty (60) days' notice of termination of tenancy for the purpose of eviction of a residential tenant of a facility if:

(A) The tenant has paid the tenant's rent due and is not in arrears on rent payments; and

(B) The termination and eviction are to allow for new property development.

(3) This subsection (i) does not abrogate a landlord's right to terminate a tenancy for a violation of another law or of the lease or tenancy agreement.

SECTION 3. Tennessee Code Annotated, Title 66, Chapter 28, Part 5, is amended by adding the following as a new section:

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(a) As used in this section:

(1) "Facility" means a facility that:

(A) Provides housing for older persons, as defined in 42 U.S.C. § 3607(b)(2)(C); and

(B) Receives federal financial assistance that subjects it to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. § 794);

(2) "New property development" means:

(i) Razing a facility to use the real property on which the facility is located for purposes other than to provide housing for older persons, as defined in 42 U.S.C. § 3607(b)(2)(C); or

(ii) Renovating a facility in a manner that requires the tenants of the facility to vacate the facility in order to turn the facility into residential housing offered at a market rate; and

(3) "Residential tenant" means a residential tenant who has a lease or other agreement to live in a facility and who is fifty-five (55) years of age or older.

(b) A landlord shall provide sixty (60) days' notice of termination of tenancy for the purpose of eviction of a residential tenant of a facility if:

(1) The tenant has paid the tenant's rent due and is not in arrears on rent payments; and

(2) The termination and eviction are to allow for new property development.

(c) This section does not abrogate a landlord's right to terminate a tenancy for a violation of another law or of the lease or tenancy agreement.

SECTION 4. This act takes effect July 1, 2023, the public welfare requiring it, and applies to agreements entered into, amended, or renewed on or after that date.

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PASSED: April 21, 2023



CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES



RANDY MCNALLY
SPEAKER OF THE SENATE

APPROVED this 11th day of May 2023



BILL LEE, GOVERNOR