

SENATE BILL 2135

By Gilmore

AN ACT to amend Tennessee Code Annotated, Title 66,
Chapter 28, relative to housing.

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

SECTION 1. Tennessee Code Annotated, Title 66, Chapter 28, is amended by adding the following as a new part:

66-28-601.

This part may be known and cited as the "Tennessee Source of Income Protection and Fair Access to Housing Act."

66-28-602.

(a) A landlord shall not, based solely on a person's source of income:

- (1) Refuse to lease or rent real property to the person;
- (2) Expel a person from any real property;
- (3) Make any distinction, discrimination, or restriction against a person in the price, terms, conditions, or privileges relating to the rental, lease, or occupancy of real property or in the furnishing of any facilities or services in connection with the real property;
- (4) Attempt to discourage the rental or lease of any real property to a person;
- (5) Assist, induce, incite, or coerce another person to commit an act or engage in a practice that violates this section;
- (6) Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of the person having exercised or

enjoyed or having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this section;

(7) Deny access to, or membership or participation in, any multiple listing service, real estate brokers' organization or other service, organization, or facility relating to the business of renting real property, or discriminate against any person in the terms or conditions of the access, membership, or participation;

(8) Represent to a person that real property is not available for inspection or rental when the real property in fact is available for inspection or rental; or

(9) Otherwise make unavailable or deny a dwelling to a person.

(b) This section does not prohibit a landlord from:

(1) Refusing to lease or rent real property to a person:

(A) Based upon the past conduct of a prospective renter or prospective lessee provided the refusal to lease or rent based on past conduct is consistent with local, state, and federal law; or

(B) Based upon the prospective renter's or prospective lessee's inability to pay rent, taking into account the value of the prospective renter's or prospective lessee's local, state, and federal housing assistance, provided the refusal to lease or rent based on inability to pay rent is consistent with local, state, and federal law;

(2) Using the landlord's regular screening criteria regarding tenant history, such as criminal background checks or credit histories;

(3) Charging a security deposit, as long as the security deposits are similar to deposits required by other renters;

(4) Requiring rent to be paid in a timely manner under the terms of the agreement;

(5) Including property damage mitigation terms in a lease; or

(6) Charging regular market rates.

66-28-603.

(a) The department of economic and community development shall collaborate with the Tennessee housing development agency to enforce this part.

(b) The department of economic and community development and the Tennessee housing development agency shall:

(1) Inform individuals participating in the federal housing choice voucher program of the individual's rights under this part;

(2) Inform landlords who accept individuals participating in the federal housing choice voucher program of the landlord's responsibilities under this part;

(3) Ensure compliance with voucher nondiscrimination laws;

(4) Work closely with local voucher administrators to encourage reporting of violations of this part;

(5) Collect, investigate, and remedy complaints under this part;

(6) Perform regular testing to ensure compliance with this part;

(7) Create a report annually that contains the number of complaints, the resolutions of the complaints, an analysis of the effectiveness of this part's implementation, and any recommendations to the general assembly for improvements to this part; and

(8) Post the report on both the department's and the agency's websites.

66-28-604.

(a) The department of economic and community development shall promulgate rules for a complaint process and other necessary rules to implement this part. Rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(b) For violations of § 66-28-602(a), the department of economic and community development may levy a civil penalty of up to three (3) times the monthly rent.

(c) In addition to the complaint process developed by the department, a person who alleges discrimination in violation of this part may seek injunctive relief in a court of competent jurisdiction. A person who is successful in seeking injunctive relief pursuant to this subsection (c) may be awarded court costs and attorney fees.

66-28-605.

As used in this part:

(1) "Landlord" means an owner, or the owner's agent, of real property that is offered for rent or lease; and

(2) "Source of income" includes alimony, disability benefits, or any form of federal, state, or local public assistance or housing assistance, including Section 8 vouchers.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it.