

SENATE BILL 2471

By McNally

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 5; Title 6; Title 7; Title 39; Title 40; Title 66
and Title 67, relative to landlords.

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

SECTION 1. Tennessee Code Annotated, Section 66-28-102(a), is amended by deleting the subsection in its entirety and by substituting instead the following language:

(a) This chapter applies only in counties having a population of more than sixty-eight thousand (68,000), according to the 1970 federal census or any subsequent federal census; provided, that for purposes of §§ 66-28-107 and 66-28-108, this chapter shall apply to all counties.

SECTION 2. Tennessee Code Annotated, Section 66-28-107, is amended by deleting the section in its entirety and by substituting instead the following:

66-28-107.

(a)

(1) Each landlord of one (1) or more dwelling units is required to furnish the following information with the agency or department of local government that is responsible for enforcing building codes in the jurisdiction where the dwelling unit is located, or to the county trustee if there is no such agency or department:

(A) The landlord's name, address and telephone number, or the name, address and telephone number of the landlord's agent;

(B) The street address and unit number, as appropriate, for each dwelling unit that the landlord owns, leases, or subleases or has the right to own, lease, or sublease; and

(C) The specific units that the landlord leases or subleases to other persons.

(2) The information required under subdivision (a)(1) shall be furnished on a form provided by the agency or department responsible for enforcing building codes, or by the county trustee if there is no such agency or department. The agency, department or county trustee is authorized to collect from a landlord filing the form an one-time filing fee not to exceed twenty dollars (\$20.00) per year, whereby ten dollars (\$10.00) shall be retained by the agency, department or county trustee for administering this section, and ten dollars (\$10.00) shall be delivered to the comptroller's office for the purpose of implementing and administering subdivision (a)(4).

(3) If the county provides the comptroller's office with property assessment information for the comptroller's online database of property assessment information, then the agency, department, or county trustee shall also provide the information required under subdivision (a)(1) to the comptroller's office on a yearly basis.

(4) The comptroller's office shall include the information provided by the agency, department, or county trustee pursuant to subdivision (a)(3) on its online database of property assessment information, and shall indicate on its database which dwelling units are leased or subleased.

(b)

(1) Any landlord who fails to register as required by this section shall be assessed a fine in the amount of fifty dollars (\$50.00) per week by the agency or department of local government that is responsible for enforcing building codes in the jurisdiction where the dwelling unit is located. If no such agency or

department exists, then the county legislative body may establish an assessment committee to assess and collect fines pursuant to this section and create rules and regulations for the committee's establishment and operation.

(2) Prior to the assessment of the fine, the landlord shall be given an opportunity to appear and be heard at a hearing to be held concerning the landlord's failure to register. A written notice of the date, time and place of the hearing shall be mailed to the landlord at least fifteen (15) days prior to the scheduled hearing.

SECTION 3. Tennessee Code Annotated, Title 66, Chapter 28, Part 1, is amended by adding the following language as a new section:

66-28-108.

(a) On or after July 1, 2012, prior to entering into a rental agreement with a potential tenant or renewing a rental agreement with a current tenant, a landlord or any person authorized to enter into or renew a rental agreement on the landlord's behalf shall require the potential tenant or current tenant to show a form of identification as described in subsection (b). The landlord shall maintain a copy of such form of identification for the duration of the tenancy, and shall provide the appropriate governmental entity pursuant to § 66-28-107 with a copy of such form of identification.

(b) For purposes of this section, "form of identification" means:

(1) A valid Tennessee driver license or photo identification license issued by the department of safety;

(2) A valid driver license or photo identification license issued by another state where the issuance requirements are at least as strict as those in Tennessee, as determined by the department of safety. The department of safety shall determine which states have issuance requirements that are at least

as strict as Tennessee, and shall develop, and periodically update, a publicly accessible list of such states on the department's web site;

(3) An official birth certificate issued by a U.S. state, jurisdiction or territory;

(4) A U.S. government-issued certified birth certificate;

(5) A valid, unexpired U.S. passport;

(6) A U.S. certificate of birth abroad (DS-1350 or FS-545);

(7) A report of birth abroad of a citizen of the U.S. (FS-240);

(8) A certificate of citizenship (N560 or N561);

(9) A certificate of naturalization (N550, N570 or N578);

(10) A U.S. citizen identification card (1-197 or 1-179); or

(11) Valid alien registration documentation or other proof of current immigration registration recognized by the United States department of homeland security that contains the individual's complete legal name and current alien admission number or alien file number (or numbers if the individual has more than one number).

(c)

(1) Any landlord who fails to maintain the form of identification as required by this section shall be assessed a fine in the amount of five hundred dollars (\$500) for each separate violation of subsection (a) by the agency or department of local government that is responsible for enforcing building codes in the jurisdiction where the dwelling unit is located. If no such agency or department exists, then the county legislative body may establish an assessment committee to assess and collect fines pursuant to this section and create rules and regulations for the committee's establishment and operation.

(2) Prior to the assessment of the fine, the landlord shall be given an opportunity to appear and be heard at a hearing. A written notice of the date, time and place of the hearing shall be mailed to the landlord at least fifteen (15) days prior to the scheduled hearing.

(d) No landlord shall be liable under this section if the landlord requests, maintains, and submits a copy of any form of identification pursuant to this section and the landlord does not know or have reason to know that the form of identification is invalid or fraudulent.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. For purposes of promulgating rules and regulations, this act shall take effect July 1, 2012, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2013, the public welfare requiring it.