

HOUSE BILL 293

By Clemmons

AN ACT to amend Tennessee Code Annotated, Title 5;
Title 6; Title 7 and Title 13, relative to zoning.

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

SECTION 1. Tennessee Code Annotated, Title 13, Chapter 7, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Correctional facility" means a facility or institution that houses an inmate population under the jurisdiction of the department of correction, including privately and state managed correctional facilities;

(2) "County" means a county or metropolitan form of government, including any consolidated government established pursuant to the power granted by the Constitution of Tennessee, Article XI, § 9;

(3) "Facility" means a correctional facility, hospital, or nursing home;

(4) "Hospital" means an institution that has been licensed, certified, or approved by the health facilities commission of the department of health as a hospital;

(5) "Nursing home" means a licensed nursing home, assisted care living facility, or any other facility approved by the board for licensing health care facilities of the department of health as a nursing home, and includes any independent living facility on the same property as a licensed nursing home, assisted care living facility, or home for the aged; and

(6) "One hundred-year flood plain" means the one-hundred-year floodway and that maximum area of land that is likely to be flooded by a one-hundred-year flood shown on flood plain maps approved or promulgated by the United States department of housing and urban development.

(b) Notwithstanding the delegation of zoning authority to counties in this part to the contrary:

(1) No facility shall be constructed in a designated one hundred-year flood plain;

(2) No existing facility or a portion of an existing facility located in a designated one-hundred-year flood plain that was previously licensed as a correctional facility, hospital, or nursing home but has been vacated or used for other purposes may subsequently be licensed as a correctional facility, hospital, or nursing home; and

(3) All access and required functional facility components shall be constructed above the designated one hundred-year flood plain in a new addition to an existing facility located in such a flood plain.

SECTION 2. Tennessee Code Annotated, Title 13, Chapter 7, Part 2, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Correctional facility" means a facility or institution that houses an inmate population under the jurisdiction of the department of correction, including privately and state managed correctional facilities;

(2) "Facility" means a correctional facility, hospital, or nursing home;

(3) "Hospital" means an institution that has been licensed, certified, or approved by the health facilities commission of the department of health as a hospital;

(4) "Municipality" means and includes any city or town organized and operating under the general or special laws of the state;

(5) "Nursing home" means a licensed nursing home, assisted care living facility, or any other facility approved by the board for licensing health care facilities of the department of health as a nursing home, and includes any independent living facility on the same property as a licensed nursing home, assisted care living facility, or home for the aged; and

(6) "One hundred-year flood plain" means the one-hundred-year floodway and that maximum area of land that is likely to be flooded by a one-hundred-year flood shown on flood plain maps approved or promulgated by the United States department of housing and urban development.

(b) Notwithstanding the delegation of zoning authority to municipalities in this part to the contrary:

(1) No facility shall be constructed in a designated one hundred-year flood plain;

(2) No existing facility or a portion of an existing facility located in a designated one-hundred-year flood plain that was previously licensed as a correctional facility, hospital, or nursing home but has been vacated or used for other purposes may subsequently be licensed as a correctional facility, hospital, or nursing home; and

(3) All access and required functional facility components shall be constructed above the designated one hundred-year flood plain in a new addition to an existing facility located in such a flood plain.

SECTION 3. This act takes effect July 1, 2025, the public welfare requiring it, and applies to all applications for construction permits submitted on or after such date.