

HOUSE BILL 1069

By Glynn

AN ACT to amend Tennessee Code Annotated, Title 13
and Title 66, relative to restrictions on the use of
property.

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

SECTION 1. Tennessee Code Annotated, Title 66, Chapter 27, is amended by adding
the following as a new part:

66-27-901.

As used in this part:

(1) "Declaration" means an instrument, however denominated, that
creates a homeowners' association, and amendments to that instrument,
including restrictive covenants, bylaws, and similar instruments governing the
administration or operation of a homeowners' association;

(2) "Family child care home" has the same meaning as defined in § 71-3-
501; and

(3) "Homeowners' association" means an incorporated or unincorporated
association owned by, or whose members consist primarily of, the owners of the
residential property covered by the declaration and through which the owners, or
the board of directors or similar governing body, manage or regulate the
residential subdivision.

66-27-902.

If a proposed family child care home obtains the necessary license from the
department of human services and any necessary permits or license from the local
government entities with jurisdiction over the location where the family child care home

is proposed to be sited, then any restrictions on the operation of a family child care home that may be in a declaration applicable to the property where the family child care home is proposed to be sited are void, of no effect, and must not be enforced by the homeowners' association.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.