

HOUSE BILL 1305

By Thompson

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

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

SECTION 1. Tennessee Code Annotated, Section 66-28-302, is amended by deleting subsection (a) and substituting:

(a) The landlord, or another person authorized to enter into a rental agreement on the landlord's behalf, shall disclose to the tenant in writing at or before the commencement of the tenancy the name; telephone number during business hours; twenty-four-hour emergency telephone number, if different; office electronic mail address; maintenance electronic mail address, if different; and physical address of:

(1) The agent authorized to manage the premises; and

(2) An owner of the premises, or a person or agent authorized to act for and on behalf of the owner for the acceptance of service of process and for receipt of notices and demands.

SECTION 2. Tennessee Code Annotated, Section 66-28-302, is amended by deleting subsection (c) and substituting:

(c) A landlord or person who fails to comply with subsection (a):

(1) Becomes an agent of each person who is a landlord for the purpose of accepting service of process and receiving and receipting for notices and demands; and

(2) Is liable, after twenty (20) business days from the date the tenancy was established, for failure to furnish the information required by subsection (a), in the amount of ten dollars (\$10.00) per day that the information is not furnished,

beginning on the twenty-first business day from the date the tenancy was established, up to a maximum amount of one hundred fifty dollars (\$150).

(d) A tenant may bring a cause of action in a court of competent jurisdiction to seek payment of the fine described in subdivision (c)(2). If a court finds that a landlord, or an agent of the landlord, failed to comply with subsection (a), then the court shall award the tenant:

- (1) The fine, as described in subdivision (c)(2); and
- (2) Reasonable costs and attorneys' fees.

SECTION 3. Tennessee Code Annotated, Title 66, Chapter 7, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Landlord" means the owner, lessor, or sublessor of the dwelling unit or the building of which it is a part;

(2) "Owner":

(A) Means one (1) or more persons, jointly or severally, in whom is vested:

(i) All or part of the legal title to property; or

(ii) All or part of the beneficial ownership and a right to the present use and enjoyment of the premises; and

(B) Includes a mortgagee in possession;

(3) "Person" means an individual or organization;

(4) "Premises" means a dwelling unit and the structure of which it is a part; facilities and appurtenances therein; and grounds, areas, and facilities held out for the use of tenants generally or whose use is promised to the tenant; and

(5) "Tenant" means a person entitled under a rental agreement to occupy a residential dwelling unit to the exclusion of others.

(b) The landlord, or another person authorized to enter into a rental agreement on the landlord's behalf, shall disclose to the tenant in writing at or before the commencement of the tenancy the name; telephone number during business hours; twenty-four-hour emergency telephone number, if different; office electronic mail address; maintenance electronic mail address, if different; and physical address of:

(1) The agent authorized to manage the premises; and

(2) An owner of the premises, or a person or agent authorized to act for and on behalf of the owner for the acceptance of service of process and for receipt of notices and demands.

(c) The information required to be furnished by this section must be kept current, and this section extends to and is enforceable against a successor landlord, owner, or manager.

(d) A landlord or person who fails to comply with subsection (b):

(1) Becomes an agent of each person who is a landlord for the purpose of accepting service of process and receiving and receipting for notices and demands; and

(2) Is liable, after twenty (20) business days from the date the tenancy was established, for failure to furnish the information required by subsection (a), in the amount of ten dollars (\$10.00) per day that the information is not furnished, beginning on the twenty-first business day from the date the tenancy was established, up to a maximum total of one hundred fifty dollars (\$150).

(e) A tenant may bring a cause of action in a court of competent jurisdiction to seek payment of the fine described in subdivision (d)(2). If a court finds that a landlord,

or an agent of the landlord, failed to comply with subsection (b), then the court shall award the tenant:

- (1) The fine, as described in subdivision (d)(2); and
- (2) Reasonable costs and attorneys' fees.

SECTION 4. This act takes effect January 1, 2024, the public welfare requiring it, and applies to agreements entered into on or after that date.