

HOUSE BILL 2040

By Farmer

AN ACT to amend Tennessee Code Annotated, Title 13;
Title 68 and Title 71, relative to temporary family
healthcare structures.

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

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

13-7-501.

(a) For purposes of this section:

(1) "Caregiver" means an adult who provides care for a mentally or physically impaired person within this state, and who is related by blood, marriage, or adoption to, or shall be the legally appointed guardian of, the mentally or physically impaired person for whom the adult is caring;

(2) "Mentally or physically impaired person" means a person who is a resident of this state and who requires assistance with two (2) or more activities of daily living, as certified in a writing provided by a physician licensed under title 63, chapter 6 or 9; and

(3) "Temporary family healthcare structure" means a transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that:

(A) Is primarily assembled at a location other than its site of installation;

(B) Is limited to one (1) occupant who shall be the mentally or physically impaired person;

(C) Has no more than three hundred (300) gross square feet; and

(D) Complies with applicable provisions of title 68, chapter 120, part 1, and codes adopted by a county pursuant to title 5. Placing the temporary family healthcare structure on a permanent foundation shall not be required or permitted.

(b)

(1) For all purposes under this chapter, zoning ordinances shall consider as a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings, any temporary family healthcare structures that are:

(A) For use by a caregiver in providing care for a mentally or physically impaired person; and

(B) On property owned or occupied by the caregiver as their residence.

(2) Temporary family healthcare structures shall not require a special use permit or be subjected to any other local requirements beyond those imposed upon other authorized accessory structures, except as otherwise provided in this section. Temporary family healthcare structures shall comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. Only one (1) temporary family healthcare structure shall be allowed on a lot or parcel of land.

(c) Any person proposing to install a temporary family healthcare structure shall first obtain a permit from the local governing body, for which the local government may charge a fee of up to one hundred dollars (\$100). The local government may not withhold such permit if the applicant provides sufficient proof of compliance with this section. The local government may require that the applicant provide evidence of compliance with this section on an annual basis as long as the temporary family

healthcare structure remains on the property. This evidence may involve the inspection by the locality of the temporary family healthcare structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation.

(d) Any temporary family healthcare structure installed pursuant to this section may be required to connect to any water, sewer, and electric utilities that are serving the primary residence on the property and shall comply with all applicable requirements of the department of health.

(e) No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family healthcare structure or elsewhere on the property.

(f) Any temporary family healthcare structure installed pursuant to this section shall be removed within thirty (30) days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section.

(g) The local governing body, or planning commission on its behalf, may revoke the permit granted pursuant to subsection (c) if the permit holder violates this section. Additionally, the local governing body may seek injunctive relief or other appropriate actions or proceedings in the circuit court of that locality to ensure compliance with this section. The planning commission is vested with all necessary authority on behalf of the governing body of the locality to ensure compliance with this section.

SECTION 2. This act shall take effect July 1, 2016, the public welfare requiring it.