
COMPREHENSIVE BILL REPORT

TENNESSEE APARTMENT ASSOCIATION

SB67 / HB29 Eviction notice for certain actions.

Category Property & Housing

Sponsors Sen. John Stevens / Rep. Bill Sanderson

Description Allows a landlord to provide three days' notice, as sufficient notice of termination of tenancy, for eviction of certain residential tenants if the tenants engage in certain violent activities.

Amendment House Amendment 1, Senate Commerce & Labor Committee Amendment 1 (004031) specifies that the three days' notice of eviction is not sufficient notice to evict residential tenants who are mentally or physically disabled from a housing authority.

Senate Status 04/02/2015 - Senate passed.

House Status 03/30/2015 - House passed with amendment 1.

Executive Status 04/22/2015 - Enacted as Public Chapter 0172 effective April 16, 2015.

Effective Date 04/16/2015

SB197 / HB119 Posting and mailing of detainer summonses by constables.

Category Public Employees

Sponsors Sen. Rusty Crowe / Rep. Bud Hulse

Description Includes constables, along with sheriffs, as eligible persons who may act to satisfy the service of process requirements for actions involving forcible entry and detainer.

Senate Status 03/30/2015 - Senate passed.

House Status 03/19/2015 - House passed.

Executive Status 04/22/2015 - Enacted as Public Chapter 0160 effective April 16, 2015.

Effective Date 04/16/2015

SB371 / HB296 Prohibited discrimination - sexual orientation and gender identity.

Category Judiciary

Sponsors Sen. Sara Kyle / Rep. Sherry Jones

Description Adds sexual orientation and gender identity or expression to the list of characteristics protected from discrimination or harassment in employment, public accommodations, housing, financing, insurance, education, in places where alcoholic beverages are consumed, real estate, public utilities, tax exemptions, the profession of healing arts, health facilities, and welfare in the state. Creates criminal violation of civil rights intimidation based on sexual orientation and gender identity or expression.

Senate Status 02/11/2015 - Referred to Senate Judiciary Committee.

House Status 03/25/2015 - Failed in House Consumer & Human Resources Subcommittee.

SB459 / HB185 Prohibits the infringement or restriction of private property rights.

Category Property & Housing

Sponsors Sen. Mike Bell / Rep. Sheila Butt

Description Prohibits the state or any political subdivision from adopting or implementing any policy that infringes upon or restricts private property rights without due process of law. Repeals any law in conflict with the act and prohibits contracts that are in conflict with the act from being entered into or renewed on or after the effective date of the act.

Senate Status 04/08/2015 - Taken off notice in Senate Judiciary Committee.

House Status 03/23/2016 - Taken off notice in House State Government Subcommittee.

SB474 / HB787 Prohibits requirement for fire sprinkler in townhouses.

Category Government Regulation

Sponsors Sen. Mike Bell / Rep. Ryan Williams

Description Exempts the requirement of fire sprinkler systems for townhouses. Defines "townhouses" and requires them to be considered a separate building with independent exterior walls separated by a two-hour fire resistance rated wall assembly. Requires townhouses to be built according to local and statewide adopted building codes.

Amendment Senate amendment 1 (004568) specifies that a townhouse must be built according to local and statewide adopted building codes, but that a fire sprinkler system will not be required for a townhouse. Allows local governments to adopt mandatory sprinkler requirements for townhouses by local ordinance if passed by a two-thirds vote.

Senate Status 03/26/2015 - Senate passed with amendment 1.

House Status 04/13/2015 - House passed.

Executive Status 05/14/2015 - Enacted as Public Chapter 0378 effective April 30, 2015.

SB548 / HB501 Secure Home Act.

Category Property & Housing

Sponsors Sen. Todd Gardenhire / Rep. JoAnne Favors

Description Allows a domestic abuse victim, who is a tenant under a rental agreement, to submit a written request to the landlord to change the locks of the leased premises if a protective order has been issued. Requires the landlord, at the landlord's expense, to change the locks on the leased premises by the close of the next business day after receiving a written request. Allows the tenant to change the locks if the landlord fails to change the locks and deduct the cost from the next rent payment. Requires a landlord to change the locks on a leased premises upon receipt of a written request if a tenant, whose locks have already been changed, subsequently obtains an additional protective order for the benefit of the tenant or a household member. Authorizes the landlord to charge a fee to the tenant not exceeding the reasonable cost of changing the locks. Grants immunity to the landlord from any cause of action by any tenant or household member that arises out of acts by a protective order respondent occurring between the submission of a proper written request and the expiration of the period.

Senate Status 02/12/2015 - Referred to Senate Commerce & Labor Committee.

House Status 02/18/2015 - Referred to House Business & Utilities Subcommittee.

SB565 / HB575 Crimes regarding structure declared unfit for human occupation or use.

Category Criminal Law

Sponsors Sen. Doug Overbey / Rep. Dale Carr

Description Creates Class B misdemeanor for violating an order to vacate a structure declared unfit for human occupation or use, and for an owner, manager, or person responsible for a structured declared unfit for human consumption or use to permit or facilitate occupancy of the structure.

Amendment House amendment 1 (003744) changes the word "permits" to "authorizes."

Senate Status 04/14/2015 - Senate passed.

House Status 03/19/2015 - House passed with amendment 1.

Executive Status 04/30/2015 - Enacted as Public Chapter 0244 effective July 1, 2015.

Effective Date 07/01/2015

SB584 / HB232 Person offering short term rental to transient pays hotel taxes.

Category Taxes Business

Sponsors Sen. Doug Overbey / Rep. Dale Carr

Description Defines "short term rental" to mean a room, apartment, condominium, house, or any other dwelling unit or part of a dwelling unit furnished to transients for sleeping purposes in exchange for consideration. Requires any person who furnishes a short term rental to a transient shall pay all applicable taxes and obtain a local business license that must be displayed on rental premises and on any marketing materials or web site offering short term rental or rent.

Amendment House Business & Utilities Committee Amendment 1, Senate Commerce & Labor Amendment 1 (005440) defines short-term rental. Requires any person who furnishes a short-term rental to pay occupancy tax, sales tax and any other applicable tax and obtain a local business license. Requires licenses to be displayed on the premises and any materials/website. Short-term rentals do not apply to the principal residence of a person who furnishes to transients less than 15 days per year. Short-term rentals are not subject to commercial property tax. Effective date of January 1, 2016.

Senate Status 03/31/2015 - Failed in Senate Commerce & Labor Committee after adopting amendment 1.

House Status 04/14/2015 - House Finance Subcommittee deferred to first calendar of 2016.

SB764 / HB666 Three year statute of limitations for personal injury actions.

Category Judiciary

Sponsors Sen. Todd Gardenhire / Rep. Andrew Farmer

Description Extends statute of limitations for personal injury causes of action to three years, instead of one year, after the cause of action accrued.

Senate Status 02/18/2015 - Referred to Senate Judiciary Committee.

House Status 02/19/2015 - Referred to House Civil Justice Subcommittee.

SB987 / HB914 Accept payments in lieu of taxes from certain lessees.

Category Government Regulation

Sponsors Sen. Mark S. Norris / Rep. Pat Marsh

Description Authorizes industrial development corporations and health, educational, and housing facility corporations created by counties or cities to accept payments in lieu of taxes from lessees of low-income housing projects, provided that they meet certain conditions.

Amendment HOUSE AMENDMENT 1 (003786) specifies that the authority for a corporation to negotiate and receive from a lessee of the corporation payments in lieu of taxes with

respect to a tax-credit housing project when that authority has been delegated to a corporation by a municipality is not limited. HOUSE AMENDMENT 2 (005079) changes effective date to July 1, 2015.

Senate Status 04/22/2015 - Senate passed.

House Status 04/14/2015 - House passed with amendments 1 and 2.

Executive Status 05/27/2015 - Enacted as Public Chapter 0519 effective July 1, 2015.

Effective Date 07/01/2015

SB1036 / HB917 Use of smoke alarms in rental units.

Category Property & Housing

Sponsors Sen. Bill Ketron / Rep. Dale Carr

Description Establishes changes to the use of smoke alarms in one-family and two-family rental units, one-family and two-family dwellings, apartment buildings, and hotels. Establishes smoke detectors to be installed in accordance with applicable building construction safety standards and in accordance with the manufacturer's directions, as opposed to the 2003 International Residential Code.

Amendment House amendment 1, Senate amendment 1 (003797) removes language in the original bill that permitted smoke alarms to be hardwired directly to a building's power supply. Retains language permitting smoke alarms to be wired directly to a building's power supply.

Senate Status 03/30/2015 - Senate concurred in House amendment 1.

House Status 03/23/2015 - House passed with amendment 1.

Executive Status 04/14/2015 - Enacted as Public Chapter 0120 effective January 1, 2016.

Effective Date 01/01/2016

SB1062 / HB128 Removal of conviction-related questions on job applications.

Category Public Employees

Sponsors Sen. Lee Harris / Rep. Brenda Gilmore

Description Prohibits certain state agencies or political subdivisions from asking an applicant to disclose conviction history until it is determined that the applicant meet the minimum employment qualifications for the position.

Senate Status 02/19/2015 - Referred to Senate State & Local Government Committee.

House Status 02/11/2015 - Referred to House State Government Subcommittee.

SB1118 / HB732 Davidson County - powers of public housing authority.

Category Property & Housing

Sponsors Sen. Jeff Yarbro / Rep. Harold Love Jr.

Description Removes exclusion for Davidson County to allow Davidson County, like other cities and counties under present law, to delegate its public housing authority the power to negotiate and accept payments in lieu of taxes from lessees that operate publicly owned low-income tax credit property.

Senate Status 03/19/2015 - Senate passed.

House Status 04/06/2015 - House passed.

Executive Status 04/30/2015 - Enacted as Public Chapter 0222 effective July 1, 2015.

Effective Date 07/01/2015

SB1129 / HB1144 Increases water authorities' power to collect delinquent debts.

Category Utilities

Sponsors Sen. Todd Gardenhire / Rep. Susan Lynn

Description Specifies that water companies shall not be prevented from providing water and wastewater treatment authorities with information about water customers that could be reasonably be used to locate such persons or to collect delinquent debts. Expands authority of municipalities to collect delinquent or past due sewer charges. Also expands ability of water and wastewater authorities to discontinue water service to sewer users who fail to pay sewer service charges, penalties or other fees, who fail or refuse to comply with sewer authority regulations, or who fail to properly comply with the sewer authority's requirements for a financial deposit. Exempts board members of a water and wastewater treatment authority from the 12 hours of training and continuing education required for the board of commissioners of utility districts. Specifies that board members of water and wastewater treatment authority shall receive compensation of not more than \$1,000 per month.

Senate Status 02/19/2015 - Referred to Senate Energy, Agriculture & Natural Resources Committee.

House Status 03/24/2015 - Taken off notice in House Business & Utilities Subcommittee.

SB1141 / HB1258 Disclosure of mold in residential units.

Category Property & Housing

Sponsors Sen. Reginald Tate / Rep. Johnnie Turner

Description Requires any residential landlord to certify in writing to any prospective tenant, prior to entering into a rental agreement, that the residential landlord does not know or have reasonable cause to know that mold exists in the dwelling unit and building. Requires the landlord to disclose information and measures taken to remove mold if the landlord knows that mold has been present. Requires landlord to disclose to any current tenant the presence of mold if the landlord knows or has reasonable cause to know that mold is present. Does not require landlords to perform or conduct air or surface tests unless a current tenant notifies the landlord of potential mold.

Senate Status 02/19/2015 - Referred to Senate Commerce & Labor Committee.

House Status 02/24/2015 - Referred to House Business & Utilities Subcommittee.

SB1216 / HB1254 Combining or subdividing properties for tax sale purposes.

Category Taxes Property

Sponsors Sen. Jack Johnson / Rep. Charles M. Sargent

Description Requires any person who claims to be the owner of an interest or lien in a parcel and every guardian, conservator, attorney in fact, or other person having a fiduciary relationship with a minor, an incompetent, or other person claiming to be the owner of an interest in a parcel must register the document effecting ownership, interest, or lien with the office of the register of deeds in the county which the parcel is located. Specifies that a judgment of personal liability for unpaid personal property taxes may be enforced as any other judgment and may be recorded in one or more offices of registers of deeds and made a lien against the judgment debtor's other property .Specifies that property taxes shall become and remain a personal debt of the property owner or property owners and, when delinquent, may be collected by suit as any other personal debt. Allows the claim for the debt and the claim for enforcement of the lien to be joined in the same complaint. Specifies that the chancery court shall have broad discretion in determining whether a parcel shall be sold separately, combined, or subdivided and sold. Establishes process and notices requirements. Specifies that an

order confirming the sale of a parcel shall confer the right to possession of the parcel to the purchaser effective upon entry of the order and the risk of loss shall transfer from the original owner to the purchaser. Specifies that any person successfully challenging the validity of a tax sale of the person's interest in a parcel shall also be responsible to the person purchasing the property at the tax sale and the purchaser's successors in interest, for any increase in the value of the parcel, including any improvements. Allows an order confirming the sale of a parcel to be voidable by the court. Clarifies procedure for dealing with excess tax sale proceeds. Revises other provisions concerning tax sales.

Amendment SENATE AMENDMENT 2 (006401) deletes and rewrites the bill in its entirety. Authorizes enforcement of judgment through judgment liens, including durability, priority, and renewal, and makes such judgments no longer subject to the statute of limitation established by this chapter for unpaid property taxes. Authorizes local governments to retain all previous forms of enforcing debt payments for tax liens. Declares that property taxes remain a personal debt of the property owner or property owners as of January 1, and, when delinquent, may be collected by suit as any other personal debt. Declares that involved parties in tax proceedings have constructive notice of the property seizure. Requires 12 percent interest per year for redemption of property. Authorizes the court to determine when a redemption has been fully made. Declares that upon entry of an order of the court declaring that the redemption is complete, title to the parcel be restored. Authorizes lienholder who redeems the parcel to thereafter proceed to foreclose upon the parcel or otherwise enforce such lien. Generally limits challenges to delinquent tax sales. Deletes language that requires owners of a property interest to register the document related to the interest with the county register of deeds and binds persons failing to do so to judgments, findings, orders, and precedents rendered or established in the proceedings. Exempts property tax proceedings, property tax liens, or the enforcement of property tax liens from the taxpayer remedies for disputed taxes enumerated in the Tennessee Code Annotated, Title 67, Chapter 1, Part 18.

Senate Status 04/16/2015 - Senate passed with amendment 2.

House Status 04/20/2015 - House passed.

Executive Status 05/14/2015 - Enacted as Public Chapter 0414 effective May 8, 2015.

Effective Date 05/08/2015

SB1372 / HB1270 Additional victims receive victims' rights.

Category Criminal Law

Sponsors Sen. Sara Kyle / Rep. G.A. Hardaway

Description Adds victims of domestic assault, violation of an order of protection or restraining order, stalking, and vandalism or false imprisonment of a domestic violence victim to those that are entitled to receive victims' rights. Broadly captioned.

Amendment HOUSE AMENDMENT 2 (015345) deletes all language after the enacting clause. Requires law enforcement officers that respond to a report of a domestic assault crime; a vandalism crime in which the victim is a domestic abuse victim; a violation of an order of protection or restraining order; or a stalking crime to provide the alleged victim with information, if available, on the statewide automated victim information and notification service provided by the Tennessee Sheriffs' Association. The law enforcement agency can request the information from a victim witness coordinator within the District Attorneys General Conference (DAGC) if the agency

does not have the necessary materials. Changes the effective date from July 1, 2015, to July 1, 2016. SENATE AMENDMENT 3 (016230) requires law enforcement officers that respond to a report of a domestic assault crime, a vandalism crime in which the victim is a domestic abuse victim, a violation of an order of protection or restraining order, or a stalking crime to provide the alleged victim with information, if available, on the statewide automated victim information and notification service provided by the Tennessee Sheriffs' Association. The law enforcement agency can request the information from a victim witness coordinator within the District Attorneys General Conference (DAGC) if the agency does not have the necessary materials. Changes the effective date from July 1, 2015, to July 1, 2016.

Senate Status 04/20/2016 - Senate passed with amendment 3.

House Status 04/20/2016 - House concurred in Senate amendment 3.

Executive Status 04/20/2016 - Sent to the speakers for signatures.

SB1446 / HB1426 Authorizes Davidson County to issue bonds for affordable housing.

Category Public Finance

Sponsors Sen. Jeff Yarbro / Rep. Darren Jernigan

Description Authorizes Davidson County to issue bonds to fund affordable housing and workforce housing projects.

Amendment House amendment 1 (012396) adds language to the bill that specifies that only local governments in which affordable or workforce housing is located are to be authorized to issue debt or borrow money to finance such projects. Requires local governments to comply with Article II, § 29 of the Constitution of Tennessee; specifically, in no event, shall the credit of any county, city or town be given to, or loaned to, or in aid of any person, company, association or corporation except upon an election to be first held by the qualified voters of such county, city or town where three-fourths of the voters elect to approve such action. Adds the word "capital" to clarify that references to expenditures are capital expenditures.

Senate Status 03/23/2016 - Senate passed.

House Status 02/22/2016 - House passed with amendment 1.

Executive Status 04/25/2016 - Enacted as Public Chapter 0738 effective April 7, 2016.

Effective Date 04/07/2016

SB1488 / HB1467 Fees for sheriffs and constables.

Category Public Employees

Sponsors Sen. Mark Green / Rep. Curtis G. Johnson

Description Authorizes sheriffs and constables to collect the same fee payment for unsuccessful service of process as successful service, provided, that service is attempted in accordance with the laws of the state. Current law specifies that the sheriff or constable is only entitled to \$9.00 for returning any service of process where the sheriff or constable attempts service but is unsuccessful.

Senate Status 02/29/2016 - Senate passed.

House Status 02/25/2016 - House passed.

Executive Status 03/21/2016 - Enacted as Public Chapter 0582 effective March 10, 2016.

Effective Date 03/10/2016

SB1636 / HB1632 Allocation of newly constructed rental units as affordable housing.

Category Property & Housing

Sponsors Sen. Ferrell Haile / Rep. Glen Casada

Description Prohibits a local governmental unit from enacting zoning regulations that require the direct or indirect allocation of a percentage of existing or newly constructed private residential or commercial rental units for long-term retention as affordable or workforce housing.

Amendment Senate Amendment 1 (013446) clarifies that this bill applies to all current and future zoning regulations.

Senate Status 03/28/2016 - Senate passed with amendment 1.

House Status 04/07/2016 - House passed.

Executive Status 04/26/2016 - Enacted as Public Chapter 0822 effective April 21, 2016.

Effective Date 04/21/2016

SB1646 / HB1689 Formula for calculating hearing costs in property tax appeals.

Category Taxes Property

Sponsors Sen. Paul Bailey / Rep. Marc Gravitt

Description Under present law, the state board of equalization has jurisdiction over the valuation, classification, and assessment of all properties in the state. One of the duties of the board is to receive, hear, consider, and act upon complaints and appeals made to the board. The board assesses the cost of hearing or processing an appeal against any non-prevailing, non-indigent appellant. Under present law: (1) The assessment must not exceed \$7.00 per parcel for processing an appeal or \$120 for hearing costs; (2) The assessment must be proportionate to the value of the property at issue; and (3) If the totaled assessment is 1/2 or more of the appellant's claim, the board issues a total refund. Otherwise, the refund of the hearing costs is proportionate to the relief granted. Revises (3) above to require that the refund of hearing costs be 1/2 of the appellant's claim, if the ordered reduction totals less than 1/2 of the appellant's claim. Present law also authorizes the board to create an assessment appeals commission and to delegate to the commission the jurisdiction to hear and act upon all complaints and appeals regarding the assessment, classification, and value of property for purposes of taxation. Actions taken by the commission are final unless the board issues an order requiring review of the commission's action, in which case the action will not become final until the board has rendered its final decision in the matter. If the board chooses not to review a matter, the commission is required to issue a certificate of assessment showing the description of the property and the assessment as determined by the commission. The certificate of assessment is subject to judicial review in the same manner as final actions of the board. Revises the above provisions to require the assessment appeals commission to issue the following, if the state board does not review the matter: (1) A notice, including notice by electronic means, of its final actions to the parties; or (2) If requested by a taxpayer, a certificate of assessment or other final certificate of the commission's actions. The date of the notice or certificate will commence the period for seeking judicial review of the final order of the board or commission. Present law requires trustees or collectors to send, with the current tax bill, a notice to delinquent taxpayers informing them of their obligation to pay back taxes or risk the sale of their property. This bill specifically includes taxpayers who are delinquent in unpaid rollback taxes in the group of delinquent taxpayers receiving such a notice.

Senate Status 03/14/2016 - Senate passed.

House Status 04/13/2016 - House passed.

Executive Status 04/20/2016 - Sent to governor.

SB1816 / HB1930 Publication of notice of intent to enforce tax lien.

Category Taxes Property

Sponsors Sen. Brian K. Kelsey / Rep. Mark White

Description Requires notice of intent to enforce tax lien to be published in a newspaper of general circulation for three consecutive weeks instead of only two consecutive weeks.

Senate Status 01/21/2016 - Referred to Senate Judiciary Committee.

House Status 01/25/2016 - Referred to House Business & Utilities Subcommittee.

SB1884 / HB2335 Complaints filed with the TN human rights commission.

Category Judiciary

Sponsors Sen. Reginald Tate / Rep. Johnny W. Shaw

Description Eliminates requirement that a party remove a case to state court within 90 days after the complaint is filed if the Tennessee human rights commission determines there is reasonable cause to believe discrimination took place.

Senate Status 04/06/2016 - Senate passed.

House Status 03/21/2016 - House passed.

Executive Status 04/19/2016 - Signed by governor.

SB1885 / HB1673 Defines short-term rental units.

Category Property & Housing

Sponsors Sen. John Stevens / Rep. Pat Marsh

Description Clarifies that certain requirements that apply to hotels and places of public accommodation do not apply to short-term rental units. Specifies that "short-term rental unit" (1) Means a residential dwelling of any type, including, but not limited to, a single-family residence, apartment, condominium, or cooperative unit, in which a person can obtain, for consideration, sleeping accommodations for less than 30 consecutive days; (2) Includes vacation lodging as defined by TCA 67-4-702 and property used to provide hospitality services as defined by TCA 68-120-101(i); and (3) Does not include a bed and breakfast establishment or bed and breakfast homestay, as defined by TCA 68-14-502(1), a hotel, or a time-share program.

Senate Status 03/22/2016 - Senate Commerce & Labor Committee deferred to summer study.

House Status 03/16/2016 - Taken off notice in House Business & Utilities Subcommittee.

SB1887 / HB1956 Uniform Residential Landlord & Tenant Act - Montgomery County exempt.

Category Property & Housing

Sponsors Sen. Frank Niceley / Rep. Curtis G. Johnson

Description Exempts Montgomery County from the application of the Uniform Residential Landlord and Tenant Act.

Senate Status 03/08/2016 - Senate Commerce & Labor Committee deferred to 03/15/16.

House Status 01/27/2016 - Referred to House Business & Utilities Subcommittee.

SB1897 / HB1846 Certain public housing authorities exempt from property tax liability.

Category Taxes Property

Sponsors Sen. Steven Dickerson / Rep. Darren Jernigan

Description Exempts public housing authorities from property tax liability when they enter into leases that permit the public housing authority to acquire the property for a nominal

sum at or before the completion of the lease term.

Senate Status 03/07/2016 - Senate passed.

House Status 02/22/2016 - House passed.

Executive Status 04/05/2016 - Enacted as Public Chapter 0642 effective March 23, 2016.

Effective Date 03/23/2016

SB1904 / HB2555 Employment verification requirements for certain employers.

Category Labor Law

Sponsors Sen. Jack Johnson / Rep. Jeremy Durham

Description Defines "private employer" for purposes of this act. Removes present exemption for private employers with less than six employees from employment verification requirements. Broadly captioned.

Senate Status 01/25/2016 - Referred to Senate Commerce & Labor Committee.

House Status 03/09/2016 - Taken off notice in House State Government Subcommittee.

SB1907 / HB2392 Protection order forms on web.

Category Family Law

Sponsors Sen. Steven Dickerson / Rep. Mary Littleton

Description Authorizes the AOC and clerks of court to publish on their web sites forms necessary for a person to seek a protection order for domestic abuse. Broadly captioned.

Senate Status 03/29/2016 - Taken off notice in Senate Judiciary Committee.

House Status 03/23/2016 - Taken off notice in House Civil Justice Subcommittee.

SB1916 / HB1798 Makes clarifications to Tennessee Condominium Act of 2008.

Category Property & Housing

Sponsors Sen. Steven Dickerson / Rep. John Ray Clemmons

Description Specifies that any provision of the Tennessee Condominium Act of 2008 that is in conflict with a provision of the Horizontal Property Act shall control.

Senate Status 03/07/2016 - Withdrawn in Senate.

House Status 03/08/2016 - Taken off notice in House Business & Utilities Subcommittee.

SB2028 / HB1773 Agency seizing property responsible for paying reasonable expenses.

Category Property & Housing

Sponsors Sen. Richard Briggs / Rep. Jason Zachary

Description Presently, in order to forfeit any property or any person's interest in the property the state must prove by a preponderance of evidence that: (1) The seized property was of a nature making its possession illegal or was used in a manner making it subject to forfeiture; and (2) The owner or co-owner of the property knew that the property was of a nature making its possession illegal or was being used in a manner making it subject to forfeiture; or (3) In the case of a secured party, that the following standards are met: (A) The secured party is a co-conspirator to the activity making the property subject to forfeiture; or (B) The secured party, at the time the interest attached, had actual knowledge of the intended illegal use of the property. The state's failure to carry the burden of proof operates as a bar to any forfeiture and the property must be immediately returned to the claimant. Under this bill, if the seizing agency fails to carry the burden of proof and a person who has property seized prevails in a claim or action to recover the seized property, then that person will be entitled to reasonable attorney fees and administrative hearing or court costs incurred in seeking the return

of the seized property and in bringing the claim or action. Requires the seizing agency to pay for or reimburse such costs and fees. Specifies that the seizing officer and the agency employing the officer will be immune from civil liability for the seizure if the officer and agency acted in good faith.

Senate Status 03/08/2016 - Senate Judiciary Committee recommended. Sent to Senate Calendar Committee.

House Status 02/24/2016 - Taken off notice in House Civil Justice Subcommittee.

SB2053 / HB2289 Increase of litigation tax from \$6.00 to \$9.00.

Category Judiciary

Sponsors Sen. Todd Gardenhire / Rep. Dan Howell

Description Allows a county that establishes a new division of general sessions court to increase the litigation tax from \$6.00 to \$9.00 by two-thirds approval of the county legislative body. Specifies that the proceeds of this local tax are to aid in defraying the cost to counties of paying the general sessions court judges. Specifies if the judge of the new division of court hears environmental issues then the county is permitted to use revenue generated from fines and penalties for enforcing litter ordinances and regulations.

Senate Status 03/21/2016 - Re-referred to Senate Calendar Committee.

House Status 03/23/2016 - Taken off notice in House Civil Justice Subcommittee.

SB2173 / HB2235 Time frame for abatement of blighted property.

Category Property & Housing

Sponsors Sen. Reginald Tate / Rep. Barbara W. Cooper

Description Increases the period of time in which the owner of property determined to be blighted or deteriorated has to abate the conditions from 90 days to 115 days. Broadly captioned.

Senate Status 01/25/2016 - Referred to Senate State & Local Government Committee.

House Status 02/17/2016 - Taken off notice in House Local Government Subcommittee.

SB2277 / HB2089 Creates a domestic violence offender registry.

Category Criminal Law

Sponsors Sen. Sara Kyle / Rep. G.A. Hardaway

Description Creates a domestic violence offender registry to be maintained by the TBI and based upon information supplied to the bureau by the court clerks. Requires the registry to be made available for public inquiry on the internet.

Amendment House Criminal Justice Committee Amendment 1 (014930) authorizes the County Clerk of Shelby County to establish on its website a registry on which information about domestic violence offenders shall be posted.

Senate Status 04/12/2016 - Taken off notice in Senate Judiciary Committee.

House Status 04/19/2016 - Taken off notice in House Finance Subcommittee.

SB2284 / HB2104 Creates a domestic violence offender registry.

Category Criminal Law

Sponsors Sen. Sara Kyle / Rep. G.A. Hardaway

Description Creates a domestic violence offender registry to be maintained by the TBI. Specifies offenses committed against a domestic violence victim that would warrant a defendant being added to such registry. Requires the TBI to remove from the registry

the name and identifying information of persons who are convicted of a violation of the offenses described ten years after the date of the most recent conviction.

Senate Status 03/23/2016 - Taken off notice in Senate Judiciary Committee.

House Status 02/23/2016 - House Criminal Justice Subcommittee deferred to the first calendar of 2017.

SB2300 / HB1932 Expands the applicability of the Neighborhood Preservation Act.

Category Property & Housing

Sponsors Sen. Sara Kyle / Rep. Mark White

Description Expands the applicability of the Neighborhood Preservation Act to certain occupied buildings and residential properties by authorizing a person to bring a civil action against the owner of an occupied building or property that is not properly maintained or that fails to comply with certain ordinances or regulations.

Senate Status 03/21/2016 - Senate passed.

House Status 02/25/2016 - House passed.

Executive Status 04/25/2016 - Enacted as Public Chapter 0727 effective April 7, 2016.

Effective Date 04/07/2016

SB2314 / HB2515 Termination of lease by victim of sexual assault.

Category Property & Housing

Sponsors Sen. Sara Kyle / Rep. Jim Coley

Description Allows a tenant who is the victim of sexual assault, domestic abuse, or stalking to terminate the tenant's lease under certain circumstances and gives the landlord a right of action against the perpetrator for damages due to broken lease.

Senate Status 01/25/2016 - Referred to Senate Commerce & Labor Committee.

House Status 03/15/2016 - Taken off notice in House Business & Utilities Subcommittee.

SB2325 / HB2435 Termination of rental agreement by victim of sexual assault.

Category Property & Housing

Sponsors Sen. Sara Kyle / Rep. Barbara W. Cooper

Description Allows a tenant to terminate a lease or rental agreement provided that the tenant provides notice and documentation that the tenant or a household member is a victim of domestic abuse, sexual assault, or stalking. Specifies (1) that documentation can be a valid order of protection found by a court or a written report from a domestic abuse or domestic violence shelter, rape crisis center, family safety center, or child abuse agency, signed by the director or another authorized official. Specifies (2) that the notice must be a mutually agreed upon release date within the next 30 days from the date of the written notice. Specifies that a perpetrator of certain offenses remains liable for rent and damages under a lease or rental agreement even if the perpetrator is ordered to vacate the premises by a protection order.

Senate Status 03/15/2016 - Senate Commerce & Labor Committee deferred to 03/22/16.

House Status 01/27/2016 - Referred to House Business & Utilities Subcommittee.

SB2364 / HB2381 Sunset - Hamilton County water wastewater treatment authority.

Category Government Organization

Sponsors Sen. Bo Watson / Rep. Mike Carter

Description Removes application of the water wastewater treatment authority regarding Hamilton County created pursuant to the Water and Wastewater Treatment Act.

Amendment Senate Amendment 1 (014043) changes the sunset date from July 1, 2021 to July 1, 2019. SENATE AMENDMENT 2 (014031) allows audits be undertaken at any time at the sole discretion of the comptroller. Requires the comptroller to conduct, or contract for, an annual financial audit of each authority. Requires the comptroller of the treasury, or the comptroller's designee, to have access to each authority's books, records, and accounts whenever deemed necessary by the comptroller or the comptroller's designee. Requires authority be responsible, as an operating expense, for reimbursement of the costs of audits prepared by the comptroller of the treasury and for the payment of fees for audits prepared by a licensed independent certified public accountant or firm. Requires all audits be prepared in accordance with generally accepted governmental auditing standards. Allows any audits conducted pursuant to § 68-221-607(a)(14) be separate from audits prescribed by this section. Requires the results of any audit conducted pursuant to this section, including any board responses to findings contained in such audit be published on the comptroller of the treasury's web site within 30 days of the completion of such audit. HOUSE AMENDMENT 2 (016297) deletes all language of the original bill. Sunsets the Hamilton County water and wastewater treatment authority, granted pursuant to the Water and Wastewater Treatment Authority Act, effective July 1, 2019. Requires such authorities existing on July 1, 2016, to submit quarterly progress reports on the plan of dissolution to the Comptroller of Treasury (COT) for fiscal year 2017-2018; and monthly progress reports on the plan of dissolution to the COT beginning on July 1, 2018. Requires all legal and financial obligations of such authority to be satisfied, closed, transferred, or otherwise assumed to satisfaction of the COT and the Department of Environment and Conservation (TDEC) prior to such authority ceasing to exist. Requires such authority to be responsible for expenses incurred by the COT. Authorizes any authority to notify the permitting department after water and wastewater services provided to a business currently permitted are discontinued for a violation of the authority's rules, regulations, or policies. Requires the county mayor of the creating governmental entity to submit a plan of dissolution when an authority is dissolved in a manner other than as provided under current law to be approved by the COT and TDEC. Requires the county mayor to execute and file a certificate of dissolution declaring the authority to be dissolved with the Secretary of State. Requires such dissolution to be completed by July 1, 2019. Requires TDEC and COT to submit a plan of dissolution for such authority to the state funding board for approval for failure to comply with the dissolution proceedings. Requires such plan to be enforceable in chancery court with all costs to be borne by the authority. Authorizes that the rates, prices, or changes for water, wastewater, and reuse or recycled wastewater to be flat rate, proportional to usage, or a combination thereof. Authorizes any person aggrieved to appeal the action by filing a written notice. Requires the notice of appeal to be dated and signed by the appellant and to include the appellant's mailing address and telephone number. Requires a notice of appeal to be filed with the authority's executive director or director's designee within 15 days immediately following the date of the action being challenged in the notice. Requires the authority to establish rules and procedures governing the method for consideration of appeals and make copies of the rules and procedures available to their customers and post a copy of such rules and procedures at the authority's office and on its website. Requires judicial review of the disposition of an appeal be by common law certiorari filed in a court of competent jurisdiction in the county where the authority's

principle office is located. Requires that no change in the authority's fees, rates, charges, penalties, or deposits be stayed unless the plaintiff posts an adequate bond sufficient to compensate the authority for any incurred losses as a result of the stay. Prohibits any class lawsuits against any authority except as to holders of the authority's bonds. Requires that the procedures constitute the exclusive method of review of actions of the board and the board's officers and employees except as to holders of the authority's bonds and employees in a civil service plan. HOUSE AMENDMENT 3 (016340) changes the sunset date back to July 1, 2021.

Senate Status 04/21/2016 - Senate concurred in House amendments 2 & 3.

House Status 04/20/2016 - House passed with amendments 2 and 3.

Executive Status 04/25/2016 - Sent to governor.

SB2370 / HB2119 Recovery of charges for providing water, wastewater or sewer services.

Category Utilities

Sponsors Sen. Bo Watson / Rep. Marc Gravitt

Description Prohibits a governing body of any city, town, or utility district to recover any charges or penalties for the furnishing of water, wastewater, or sewer services to a tenant from any property owner who is not a party to the tenant's contract for services with the city, town, or utility district.

Amendment HOUSE AMENDMENT 2 (014868) deletes all language after the enacting clause. Declares that a water and wastewater treatment authority created in Hamilton County shall not require a property owner, the property owner's agent, or a subsequent tenant to the property to pay or to guarantee the payment of charges, penalties, or other fees owed to the authority incurred by a former tenant of such property owner or agent. Authorizes a water or wastewater authority created in Hamilton County to establish deposits based upon the past usage and payment history of the new tenant and requires the delinquent payment history of a former tenant of the property to not be considered in establishing the amount of the deposit for the new tenant. SENATE AMENDMENT 2 (016290) adds that an authority shall not require a property owner who leases residential property, the property owner's agent, or a subsequent tenant of the property to pay or to guarantee the payment of charges, penalties, or other fees owed to the authority that were incurred by a former tenant of such property owner or agent. Provides that this payment restriction shall only apply from September 1, 2016 to December 31, 2016. Adds that an authority shall create a written acknowledgement for the provision of services, to be made available to a property owner who leases residential property or the property owner's agent and to be completed by a tenant at the time the tenant enters into or renews a residential rental agreement. Provides that the written acknowledgement shall be used by the authority in the collection of all charges, penalties, or other fees owed to the authority by the tenant and shall require the tenant to supply his or her name, social security, phone number, driver license number, email address, employer information, etc. Requires the property owner or property owner's agent to submit a copy of the written acknowledgement to the authority within one business day of the completion of the written acknowledgement by the tenant, and upon doing so the authority cannot recover any delinquent charges, penalties, or other fees incurred by the tenant. Requires the authority to confirm in writing the receipt of the tenant's written acknowledgement within two business days. Provides that a property owner may refuse to enter into or renew a residential rental agreement with a prospective tenant who fails to provide the required information,

and if a property owner does enter into an agreement with a tenant who does not provide the information then the property owner is liable for any charges, etc. Permits an authority to require a deposit of up to three months of water and wastewater fees to be included in the tenant's first monthly billing statement and reasonable attorney fees against the tenant for charges, penalties, etc. Provides that this is to only apply to residential rental agreement not utilizing submetering or prorated billing by an allocation formula for the leased residential property in Hamblen County.

Senate Status 04/20/2016 - Senate passed with amendment 2.

House Status 04/20/2016 - House concurred in Senate amendment 2.

Executive Status 04/20/2016 - Sent to the speakers for signatures.

SB2496 / HB2554 Increases penalties for businesses that employ illegal immigrants.

Category Labor Law

Sponsors Sen. Kerry Roberts / Rep. Jeremy Durham

Description Increases fines and penalties for businesses that employ illegal immigrants.

Amendment Senate Commerce and Labor Committee Amendment 1 (014694) increases to two years, the prohibition period following a violation. Applies fine increases only "per employer" and does not increase "per employee" fines. Increases the fine for second violations to \$2,500 and third and subsequent violations to \$5,000.

Senate Status 03/31/2016 - Re-referred to Senate Calendar Committee.

House Status 03/16/2016 - House State Government Subcommittee referred bill to summer study.

SB2592 / HB2116 Prohibits landlord from evicting victims of domestic abuse.

Category Property & Housing

Sponsors Sen. Mark S. Norris / Rep. Gerald McCormick

Description Prohibits a landlord from evicting victims of domestic abuse, minor children, and innocent occupants when domestic abuse is the underlying reason for terminating a lease. Specifies that landlord may remove the person who committed the domestic abuse from the lease agreement and require remaining occupants to execute a new agreement for the remainder of the lease term.

Amendment House Amendment 1 (013105) rewrites the bill. Specifies that in any case which domestic abuse is the underlying offense for which tenancy is terminated, only the perpetrator may be evicted. The perpetrator remains financially liable under the lease agreement. The landlord may require any remaining adults to enter into a new lease agreement. The perpetrator will not be permitted to return the leased property. Rights under this bill require an order of protection. Nothing in the bill would prohibit the eviction of a victim of domestic abuse for non-payment of rent or other lease violation.

Senate Status 04/13/2016 - Senate passed.

House Status 04/07/2016 - House passed with amendment 1.

Executive Status 04/19/2016 - Sent to governor.

SB2600 / HB2036 Classifying property as low-income housing property.

Category Taxes Property

Sponsors Sen. Mark S. Norris / Rep. Jeremy Faison

Description Establishes procedure for classifying property as low-income housing property. Permits any owner of property to apply for classification as low-income housing property on any assessment roll of any county by filing an application with the

property assessor by April 1 of the first year the classification is sought. Requires the assessor to determine whether the property is low-income housing property and then to classify property as such on the county tax roll. Specifies requirements for LIHTC property and FmHA 515 property. Requires the assessor to discontinue the classification of property as low-income housing property unless the owner certifies, upon request of the assessor, that the property continues to qualify as low-income housing property. Requires the assessor to request the certification in the year of completion of every general reappraisal of property in the county but in no event less frequently than every six years. Requires such property be valued according to present use value. Makes other related revisions.

Senate Status 01/25/2016 - Referred to Senate State & Local Government Committee.

House Status 03/02/2016 - Failed in House Local Government Subcommittee.