

66-28-101. Short title.

This chapter shall be known and may be cited as the "Uniform Residential Landlord and Tenant Act."

[Acts 1975, ch. 245, § 1.101; T.C.A., § 64-2801.]

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66-28-102. Application.

(a) (1) Except as provided in subdivision (a)(2), the provisions of this chapter are applicable only in counties having a population of more than sixty-eight thousand (68,000) according to the 1970 federal census or any subsequent federal census.

(2) The provisions of this chapter do not apply in counties having a population according to the 1990 federal census or any subsequent federal census, of:

not less than -----	nor more than -----
80,000	83,000
92,200	92,500
118,400	118,700
140,000	145,000

(b) This chapter applies to rental agreements entered into or extended or renewed after July 1, 1975. Transactions entered into before July 1, 1975, and not extended or renewed after that date, and the rights, duties and interests flowing from them remain valid and may be terminated, completed, consummated, or enforced as required or permitted by any statute or other law amended or repealed by this chapter as though the amendment or repeal has not occurred.

(c) Unless created to avoid the application of this chapter, the following arrangements are not governed by this chapter:

(1) Residence at an institution, public or private, if incidental to detention or the provision of medical, geriatric, educational, counseling, religious, or similar service;

(2) Occupancy under a contract of sale of a dwelling unit or the property of which it is a part, if the occupant is the purchaser or a person who succeeds to the purchaser's interest;

(3) Transient occupancy in a hotel, or motel or lodgings subject to city, state, transient lodgings or room occupancy under the Excise Tax Act, compiled in title 67, chapter 4, part 20;

(4) Occupancy by an owner of a condominium unit or a holder of a proprietary lease in a cooperative;
or

(5) Occupancy under a rental agreement covering premises used by the occupant primarily for agricultural purposes.

(d) Any county listed in subdivision (a)(2) to which the provisions of this chapter do not apply shall remain excluded from the provisions of this chapter notwithstanding the results of the 2000 federal census or any subsequent federal census.

[Acts 1975, ch. 245, §§ 1.201, 1.202, 6.101, 6.102; T.C.A., §§ 64-2802, 64-2804, 64-2864; Acts 1992, ch. 995, §§ 1, 4-6; 2001, ch. 101, § 1.]

66-28-103. Purposes - Rules of construction.

(a) This chapter shall be liberally construed and applied to promote its underlying purposes and policies.

(b) Underlying purposes and policies of this chapter are to:

(1) Simplify, clarify, modernize and revise the law governing the rental of dwelling units and the rights and obligations of landlord and tenant;

(2) Encourage landlord and tenant to maintain and improve the quality of housing;

(3) Promote equal protection to all parties; and

(4) Make uniform the law in Tennessee.

(c) Unless displaced by the provisions of this chapter, the principles of law and equity, including the law relating to capacity to contract, health, safety and fire prevention, estoppel, fraud, misrepresentation, duress, coercion, mistake, bankruptcy, or other validating or invalidating cause supplement its provisions.

(d) This chapter being a general chapter intended as a unified coverage of its subject matter, no part of it is to be construed as impliedly repealed by subsequent legislation if that construction can reasonably be avoided.

[Acts 1975, ch. 245, §§ 1.102 - 1.104; T.C.A., §§ 64-2861 - 64-2863.]

66-28-104. Chapter definitions.

Subject to additional definitions contained in this chapter, which apply to specific portions of this chapter, and unless the context otherwise requires, in this chapter:

- (1) "Action" means recoupment, counterclaim, set-off, suit in equity, and any other proceeding in which rights are determined, including an action for possession;
- (2) "Building and housing codes" means any law, ordinance, or governmental regulation concerning fitness for habitation, or the construction, maintenance, operation, occupancy, use, or appearance of any premises, or dwelling unit;
- (3) "Dwelling unit" means a structure or the part of a structure that is used as a home, residence, or sleeping place by one (1) person who maintains a household or by two (2) or more persons who maintain a common household;
- (4) "Good faith" means honesty in fact in the conduct of the transaction concerned;
- (5) "Landlord" means the owner, lessor, or sublessor of the dwelling unit or the building of which it is a part, and it also means a manager of the premises who fails to disclose as required by § 66-28-302;
- (6) "Nuisance vehicle" means any vehicle that is incapable of operating under its own power and is detrimental to the health, welfare or safety of persons in the community;
- (7) "Organization" means a corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, two (2) or more persons having a joint or common interest, and any other legal or commercial entity;
- (8) (A) "Owner" 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;
- (B) "Owner" also means a mortgagee in possession;
- (9) "Person" means an individual or organization;
- (10) "Premises" means a dwelling unit and the structure of which it is a part and 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;
- (11) "Rental agreement" means all agreements, written or oral, and valid rules and regulations adopted under § 66-28-402 embodying the terms and conditions concerning the use and occupancy of a dwelling unit and premises;
- (12) "Rents" means all payments to be made to the landlord under the rental agreement;
- (13) (A) "Security deposit" means an escrow payment made to the landlord under the rental agreement for the purpose of securing the landlord against financial loss due to damage to the premises occasioned by the tenant's occupancy other than ordinary wear and tear and any monetary damage due to the

tenant's breach of the rental agreement;

(B) "Security deposit" is advance rentals; and

(C) "Security deposit" shall in no way infer that the landlord is providing any service for the personal protection or safety of the tenant beyond that prescribed by law;

(14) "Tenant" means a person entitled under a rental agreement to occupy a dwelling unit to the exclusion of others;

(15) "Unauthorized vehicle" means a vehicle that is not registered to a tenant, an occupant or a tenant's known guest, and has remained for more than seven (7) consecutive days on real property leased or rented by a landlord for residential purposes; and

(16) "Vehicle" means any device for carrying passengers, livestock, goods or equipment that moves on wheels and/or runners.

[Acts 1975, ch. 245, § 1.301; T.C.A., § 64-2803; Acts 1999, ch. 284, § 2; 2001, ch. 153, §§ 1-3.]

66-28-105. Jurisdiction and service of process.

(a) The general sessions and circuit courts of this state shall exercise original jurisdiction over any landlord or tenant with respect to any conduct in this state governed by this chapter. In addition to any other method provided by rule or by statute, personal jurisdiction over the parties may be acquired in a civil action or proceeding instituted in law or equity by service of process in the manner provided by law.

(b) A landlord who is not a resident of this state or is a corporation not authorized to do business in this state and engages in a transaction subject to this chapter may designate an agent upon whom service of process may be made in this state. The agent shall be a resident of this state or a corporation authorized to do business in this state. The designation shall be in writing, filed with the secretary of state, and must set forth the name and street address, including zip code, of the agent, the name and street address, including zip code, of the landlord and be accompanied by a ten dollar (\$10.00) filing fee. If no designation is made and filed or if process cannot be served in this state upon the designated agent, process may be served upon the secretary of state forthwith by mailing a copy of the process and pleading by registered or certified mail to the defendant or respondent at that party's last known address. The process must be accompanied by a ten dollar (\$10.00) fee and specify the address of the defendant. An affidavit of service shall be filed by the secretary of state with the clerk of the court on or before the return day of the process.

[Acts 1975, ch. 245, § 1.203; T.C.A., § 64-2805; Acts 1991, ch. 297, § 1.]

66-28-106. Notice.

(a) Either party has notice of a fact if such person:

(1) Has actual knowledge of it; or

(2) Has been given written notice.

(b) All parties must give written notice to the last known or designated address contained in the lease agreement.

[Acts 1975, ch. 245, § 1.304; T.C.A., § 64-2806.]
