

Tennessee Housing Codes Healthy Homes Provisions

Tennessee Communities Adopting the International Property Maintenance Code (counties adopting the code in bold typeface)

Community	IPMC Version	Community	IPMC Version
Anderson County	2003	Hendersonville	2006
Brentwood	2003	Kingsport	2006
Bristol	2006	Knox County	2006
Cheatham County	2006	Lakesite	2003
Clinton	2003	Marion County	2003
Columbia	2000	McMinnville	2003
Cowan	2003	Millington	2003
Crossville	2003	Mt. Juliet	2006
Farragut	2006	Murfreesboro	
Fayetteville	2006	Nashville	
Franklin	2003	Davidson County	
Gallatin	2003	Pleasant View	2003
Goodlettsville	2003	Spring Hill	2003
Greenbrier	2003	Tullahoma	2003
Harriman	2003	Union City	2000

A. TN Department of Health Regulations: *Rented Premises Unfit for Habitation*

The State’s Health, Safety and Environmental Protection Code (Title 68) authorizes the state’s health department to issue rental property minimum health standards, which establish living and building conditions that render a dwelling unfit for human habitation. § 68-111-102.

The TN Department of Health promulgated Chapter 1200-1-2, the *Rented Premises Unfit for Habitation* regulations. These regulations:

- Establish minimum standards for ventilation (and electrical lighting). § 1200-1-2-.03.
- Generally require that dwelling have a winter temperature of at least 68 degrees, and that heating equipment using a flame be vented to the outside. § 1200-1-2-.04

Also, the regulation sets requirements for “safe and sanitary maintenance” which require that:

- Foundations, roofs doors and windows be reasonably weathertight, watertight, and dampfree, and kept in sound condition and good repair.
- Toxic paint and materials not be used where readily accessible to children.
- Floors, interior walls, and ceilings be sound and in good repair.

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- Premises be graded, drained, and free of standing water which would be conducive to mosquito breeding.
- During insect season, dwelling doors and windows generally be supplied with screens.
- Windows and openings at or near ground level which might provide entry for rodents have screens.
- Every multiple dwelling or rooming house be kept reasonably free of household vermin (but landlords shall not be required to carry out treatment measures more than twice per year).
- Fences provided by the landlord be maintained in safe condition or removed.
- Every foundation, roof, floor, exterior and interior wall, ceiling, stair and porch be safe to use and capable kept in sound condition and good repair.
- Every bathroom and kitchen floor surface be reasonably impervious to water and easy to keep in a clean and sanitary condition.
- Stairways be constructed to meet regulatory standards.

§ 1200-1-2-.05.

B. TN Uniform Residential Landlord and Tenant Act (URLTA)

ULTRA requires that landlords:

- “Comply with requirements of applicable building and housing codes materially affecting health and safety”;
- Make repairs and “do whatever is necessary” to keep premises “in a fit and habitable condition”;
- Keep common areas “in a clean and safe condition”; and
- For complexes of four (4) or more units, provide and maintain appropriate receptacles and conveniences for removal of ashes, garbage, rubbish and waste.

§ 66-28-304.

Also, ULTRA provides a tenant alternative remedies when a landlord fails to supply “essential services,” which is defined to mean “utility services, including gas, heat, electricity, and any other obligations imposed upon the landlord which materially affect the health and safety of the tenant.” § 66-28-502(a)(3). The tenant may procure the services and deduct the costs from the rent; procure reasonable substitute housing, and not pay rent to the non-complying landlord; or recover damages based upon the diminution in fair rental value of the dwelling unit if the tenant continues to occupy premises. § 66-28-502(a)(1).

Furthermore, ULTRA requires that a tenant:

- “Comply with all obligations primarily imposed upon tenants by applicable building and housing codes materially affecting health and safety”;
- Keep his/her premises clean and safe as the condition when the tenant took possession; and
- Dispose of his/her ashes, rubbish, garbage, and other waste to the designated collection areas and receptacles.

§ 66-28-401.

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III. RELEVANT PROVISIONS

Source: www.tennesseanytime.gov

A. TN Health, Safety and Environmental Protection Code

Title 68

Chapter 111 Rented Premises Unfit for Human Habitation (Safety)

§ 68-111-102. Minimum health standards.

The state department of health shall establish and distribute to each county and public health department of the state minimum health standards in the rental of any premises; these standards shall establish living and building conditions of a dwelling that render it unfit for human habitation.

TN Department of Health and TN Department of Environment and Conservation
CHAPTER 1200-1-2 RENTAL PREMISES UNFIT FOR HABITATION

§ 1200-1-2-.01 DEFINITIONS Tenn. Comp. R. & Regs. R. 1200-1-2-.01

- (1) Accessory Structure shall mean a detached structure located on or partially on any premises which is not used or not intended to be used for living or sleeping by human occupants.
- (2) Dwelling shall mean any enclosed space that is wholly or partly used for living or sleeping by human occupants, providing that temporary housing shall not be regarded as a dwelling.
- (3) Dwelling Unit shall mean any room or group of rooms forming a single habitable unit with facilities which are used for living, sleeping, cooking, and eating.
- (4) Flush Water Closet shall mean a toilet bowl flushed with water under pressure with a water filled trap above the floor level. Such toilet bowls shall have a smooth, easily cleanable surface.
- (5) Habitable Room shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace room, pantries, kitchenettes and utility rooms with less than 50 square feet, foyers or communicating corridors, stairways, and closets, storage spaces and work shops, hobby and recreation areas in unceiled or uninsulated parts of structures below ground level or in attics.

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- (6) Health Department shall mean the city or county health department having jurisdiction in the political subdivision in which a complaint is filed.
- (7) Multiple Dwelling shall mean any dwelling containing more than two dwelling units.
- (8) Ordinary Winter Conditions shall mean a temperature 15 [degrees] F. above the lowest recorded temperature in locality for prior ten year period.
- (9) Rooming House shall mean any dwelling or that part of any dwelling containing one or more rooms or groups of rooms forming a single habitable unit used for living and sleeping but not provided with facilities for cooking. This definition does not include those hotels used as rooming houses and which are regulated under the provisions of Chapter 21 of Title 53, Tennessee Code Annotated.
- (10) Where Water Under Pressure is Available shall mean that a connection has been or can be made to an existing water supply, public or private, which is within 200 feet of the dwelling and such private supply is owned by the landlord.

§ 1200-1-2-.02 MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES

Tenn. Comp. R. & Regs. R. 1200-1-2-.02

- (1) Every dwelling unit shall have a space in which food may be prepared and/or cooked which shall be equipped with the following except where central food service is provided by the owner:
 - (a) Where water under pressure is available a kitchen sink in each dwelling unit properly connected to the hot and cold potable water supply pipes and to a sewer system approved by the health department.
 - (b) A stove, or similar device for cooking food, and a refrigerator or similar device for the safe storage of food at temperatures less than 50 [degrees] F. but more than 32 [degrees] F. under ordinary maximum summer conditions, which are properly installed with all necessary connections for safe, sanitary and efficient operation, provided that such stove, refrigerator and/or similar devices need not be installed when the occupant is expected to provide same on occupancy, and that sufficient space and adequate connections for the safe and efficient installation and operation of a stove, refrigerator and/or similar devices are provided.
- (2) Where water under pressure is available every dwelling unit shall have a tub or

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shower and a flush water closet located in a room affording privacy and lavatory properly connected with hot and cold water supply pipes and sewer system approved by the health department. Where water under pressure is not available, a sanitary pit privy shall be provided. A bathroom containing a tub or shower, lavatory and flush water closet may be shared by two (2) dwelling units if:

- (a) It is enclosed in a separate room affording privacy to the occupant.
- (b) The habitable area of such dwelling unit shall not exceed more than four-hundred (400) square feet of floor area.
- (c) The fixtures are placed in a room used solely for toilet purposes and accessible without passing through the other dwelling unit or outside the dwelling.
- (d) Each dwelling unit shall have facilities for storage of drugs and household poisons that are out of sight and out of reach of small children.
- (e) Access to or egress from each dwelling unit shall be provided without passing through any other dwelling unit.
- (f) All exterior doors, windows and other openings of the dwelling unit shall be equipped with safe, functioning locking devices.

§ 1200-1-2-.03 MINIMUM STANDARDS FOR LIGHT AND VENTILATION

Tenn. Comp. R. & Regs. R. 1200-1-2-.03

- (1) Ventilation shall be provided by openable doors and at least one (1) openable window equal to at least four percent (4%) of total floor area of each room except where there is supplied some other device affording adequate ventilation.
- (2) Electric lighting facilities shall consist of at least two (2) separate wall type convenience outlets or one (1) ceiling type fixture and one (1) wall type outlet for every habitable room. Every bathroom or water closet compartment, hall and stairway, shall have at least one (1) lighting fixture which shall provide adequate light. All electrical systems shall be properly installed and maintained in a safe condition.

§ 1200-1-2-.04 MINIMUM THERMAL STANDARDS

Tenn. Comp. R. & Regs. R. 1200-1-2-.04

- (1) Every dwelling unit shall have heating facilities which are properly installed, and are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments in every dwelling unit located therein to a temperature of at least 68 [degrees] F. at a distance of eighteen (18) inches above floor level under ordinary winter conditions provided that such heating facilities need not be installed when the occupant is expected to provide same on occupancy and that adequate connections for the safe installation and operation of a heating facility are provided.

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- (2) Heating equipment employing a flame must be vented outside the structure in an approved manner unless such equipment is Underwriters Laboratory approved for installation without venting. If employing solid or liquid fuel a fire-resistant panel shall be installed beneath the heating device.

§ 1200-1-2-.05 GENERAL REQUIREMENTS RELATING TO THE SAFE AND SANITARY MAINTENANCE OF PARTS OF DWELLING UNITS

Tenn. Comp. R. & Regs. R. 1200-1-2-.05

- (1) Every foundation, roof and exterior wall, door, skylight, and window shall be reasonably weathertight, watertight, and dampfree, and shall be kept in sound condition and good repair. Toxic paint and materials shall not be used where readily accessible to children. Floors, interior walls, and ceilings shall be sound and in good repair. Walls shall be capable of affording visual privacy to the occupants. Every premises shall be graded, drained, and free of standing water which would be conducive to mosquito breeding.
- (2) During that portion of the year when there is a need for protection against mosquitoes, flies and other flying insects, every door opening directly from a dwelling unit to outside space shall have supplied properly fitting screens having at least sixteen (16) mesh and self-closing devices; and every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be supplied with screens, except that such screens shall not be required (a) in rooms in the upper stories of a building free from such insects (b) in rooms located in areas which are deemed by the health department to have so few insects as to render screens unnecessary.
- (3) Every window located at or near ground level used or intended to be used for ventilation, and every other opening located at or near ground level which might provide an entry for rodents, shall be supplied with adequate screen or such other devices as will effectively prevent their entrance in areas with heavy rat infestations as determined by the health department.
- (4) Every multiple dwelling or rooming house shall be kept reasonably free of household vermin provided that the landlord shall not be required to carry out treatment measures more than twice per year.
- (5) The landlord of multiple dwellings must provide two (2) garbage cans per dwelling unit with a capacity of at least twenty (20) gallons each and not more than thirty-two (32) gallons each. Bulk containers that can be emptied mechanically may be used in lieu of garbage cans when service is available for emptying such containers. These containers shall have a capacity of 1/4 cubic yard per dwelling unit. (These capacities are based on twice per week service.)

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- (a) All containers both individual and bulk shall be of such design as to be rodentproof, and they shall be covered. These containers must be of an easily cleanable construction and must be cleaned at such intervals as to prevent health hazards, odors, and other nuisances.
 - (b) Containers must be located so that each dwelling unit will be within a reasonable distance of a solid waste container.
 - (c) All containers shall be emptied at least one (1) time per week.
- (6) All fences provided by the landlord shall be maintained in safe condition or shall be removed.
 - (7) Accessory structures provided by the landlord shall be structurally sound, and shall be maintained in safe repair or such structures shall be removed from the premises.
 - (8) Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, every porch and every appurtenance thereto, shall be safe to use and capable of supporting the loads that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.
 - (9) Every water closet compartment, bathroom, and kitchen floor surface shall be constructed and maintained so as to be reasonably impervious to water and to permit such floor to be easily kept in a clean and sanitary condition.
 - (10) Every dwelling unit shall have at least one safe and unobstructed means of egress leading to a safe and open space at ground level.
 - (11) Every dwelling unit shall have at least one outside window or other opening which can be readily opened from the inside without the use of tools and which is adequate in size of opening, configuration, and location to provide a safe emergency escape or rescue.
 - (12) Stairways with four (4) or more risers (three steps) shall be equipped with structurally sound handrails. Every inside and outside stairway shall have uniform risers and uniform treads. Stair railings with balusters spaced no greater than six (6) inches apart shall be provided on unenclosed stairways and ramps. Porches and/or balconies located more than three (3) feet higher than the adjacent area shall have structurally sound protective guardrails with balusters spaced no greater than six (6) inches apart on all unenclosed sides. Handrails, stairrails, and protective guardrails shall be at least thirty (30) inches high. Alternate systems providing at least the same degree of protection, if approved by the inspecting authority, shall be acceptable.

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§ 1200-1-2-.06 ROOMING HOUSES

Tenn. Comp. R. & Regs. R. 1200-1-2-.06

- (1) Every house shall be equipped with at least one flush water closet, one lavatory, and one tub or shower for each persons or fraction thereof within the rooming house, including members of the family if they are to share the use of facilities. In rooming houses in which rooms are let only to males, flush urinals may be substituted or riot more than one-half of the required number of water closets. All such facilities shall be properly connected to the hot and cold water supply and sewer system.
- (2) Every flush water closet, flush urinal, lavatory, tub or shower required above shall be located within the rooming house in a room or rooms, which:
 - (a) affords privacy
 - (b) is accessible by a common hall without going outside of the rooming house
 - (c) is accessible from a common hall without going through the sleeping quarters of others
 - (d) is not more than one story removed from the room of an occupant intended to share the facilities
- (3) Every rooming house shall be provided adequate refuse storage facilities.

B. TN Uniform Residential Landlord and Tenant Act (URLTA)

Title 66, Chapter 28

§ 66-28-304. Maintenance by landlord.

- (a) The landlord shall:
 - (1) Comply with requirements of applicable building and housing codes materially affecting health and safety;
 - (2) Make all repairs and do whatever is necessary to put and keep the premises in a fit and habitable condition;
 - (3) Keep all common areas of the premises in a clean and safe condition; and
 - (4) In multi-unit complexes of four (4) or more units, provide and maintain appropriate receptacles and conveniences for the removal of ashes, garbage, rubbish and other waste from common points of collection subject to § 66-28-401(3).
- (b) If the duty imposed by subdivision (a)(1) is greater than any duty imposed by any other paragraph of subsection (a), the landlord's duty shall be determined by reference to subdivision (a)(1).

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(c) The landlord and tenant may agree in writing that the tenant perform specified repairs, maintenance tasks, alterations, and remodeling, but only if the transaction is entered into in good faith and not for the purpose of evading the obligations of the landlord.

(d) The landlord may not treat performance of the separate agreement described in subsection (c) as a condition to any obligation or performance of any rental agreement.

§ 66-28-401. General maintenance and conduct obligations.

The tenant shall:

- (1) Comply with all obligations primarily imposed upon tenants by applicable provisions of building and housing codes materially affecting health and safety;
- (2) Keep that part of the premises that the tenant occupies and uses as clean and safe as the condition of the premises when the tenant took possession;
- (3) Dispose from the tenant's dwelling unit all ashes, rubbish, garbage, and other waste to the designated collection areas and into receptacles;
- (4) Not deliberately or negligently destroy, deface, damage, impair or remove any part of the premises or permit any person to do so; and shall not engage in any illegal conduct on the premises; and
- (5) Act and require other persons on the premises, with the tenant's or other occupants' consent, to act in a manner that will not disturb the neighbors' peaceful enjoyment of the premises.

§ 66-28-502. Failure to supply essential services.

(a) (1) If the landlord deliberately or negligently fails to supply essential services, the tenant shall give written notice to the landlord specifying the breach and may do one (1) of the following:

- (A) Procure essential services during the period of the landlord's noncompliance and deduct their actual and reasonable costs from the rent;
- (B) Recover damages based upon the diminution in the fair rental value of the dwelling unit, provided tenant continues to occupy premises; or
- (C) Procure reasonable substitute housing during the period of the landlord's noncompliance, in which case the tenant is excused from paying rent for the period of the landlord's noncompliance.

(2) In addition to the remedy provided in subdivision (a)(1)(C), the tenant may recover the actual and reasonable value of the substitute housing and in any case under this subsection (a), reasonable attorney's fees.

(3) "Essential services" means utility services, including gas, heat, electricity, and any other obligations imposed upon the landlord which materially affect the health and safety of the tenant.

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(b) A tenant who proceeds under this section may not proceed under § 66-28-501 or § 66-28-503 as to that breach.

(c) The rights under this section do not arise until the tenant has given written notice to the landlord and has shown that the condition was not caused by the deliberate or negligent act or omission of the tenant, a member of the tenant's family, or other person on the premises with the tenant's consent.

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