

STATE OF TENNESSEE

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Opinion No. 03-142

County Building Inspectors: Residential Rental Property

QUESTION

Under current law, is the authority of county building inspectors with regard to residential rental property limited to premises unfit for habitation that are rented for fifty dollars or less per week?

OPINION

Under Tenn. Code Ann. §§ 68-111-101, *et seq.*, a tenant may file a complaint with the county building inspector or the county department of health alleging that the rental premises are unfit for human habitation. Under the act, however, the term “tenant” includes only those whose rental payments do not exceed fifty dollars per week. By its terms, therefore, that statutory scheme is limited to complaints by a tenant whose rental payments do not exceed fifty dollars a week. But other building codes or local ordinances that the building inspector is authorized to enforce may be applicable to residential real property rented at higher rates.

ANALYSIS

This opinion concerns the authority of a county building inspector with regard to residential rental property. Under Tenn. Code Ann. §§ 68-111-101, *et seq.*, the Tennessee Department of Health is required to establish minimum health standards in the rental of any premises. The standards establish living and building conditions of a dwelling that render it unfit for human habitation. Tenn. Code Ann. § 68-111-102. A tenant may file a complaint with a county building inspector if the premises are, in the opinion of the tenant and the building inspector or the public health department, in violation of the minimum health standards and consequently unfit for human habitation. Tenn. Code Ann. § 68-111-103. The building inspector or county health department must inspect the premises after a complaint has been filed, and the county is authorized to collect and hold rental payments from the tenant under some circumstances. Tenn. Code Ann. § 68-111-104. As used in the statute, the term “tenant” is defined as follows:

“Tenant” means one who occupies as a residence the premises of another in subordination to that other person’s title and with such other person’s assent, express or implied, *and whose rental payments*

do not exceed fifty dollars (\$50.00) per week or the monetary equivalent thereof for any period of payment other than weekly.

Tenn. Code Ann. § 68-111-101(2) (emphasis added). Complaints under the act, therefore, may only be initiated by a tenant whose rental payments do not exceed fifty dollars per week.

Other building codes or ordinances that the building inspector is authorized to enforce, however, may be applicable to residential real property rented at higher rates. The building inspector should check local ordinances as well as building codes that the county has the jurisdiction to enforce to determine his or her authority in any particular situation.

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