



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: BL2023-1886, **Version:** 1

An ordinance amending Chapter 11.22 of the Metropolitan Code of Laws to require landlords to provide to certain older persons sixty-days' notice of termination of tenancy for purposes of eviction to make way for new property development.

BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1: That Chapter 11.22 of the Metropolitan Code of Laws is hereby amended by creating the following new sections:

11.22.035. Required notice for termination of tenancy for purposes of eviction ("Norma Jean Upshaw Act")

- A. As used in this section:
 - a. "Facility" means a facility that:
 - i. Provides housing for older persons, as defined in 42 U.S.C. §3607(b)(2)(C); and
 - ii. Receives federal financial assistance that subjects it to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. § 794);
 - b. "New property development" means:
 - i. Razing a facility to use the real property on which the facility is located for purposes other than to provide housing for older persons, as defined in 42 U.S.C. § 3607(b)(2)(C); or
 - ii. Renovating a facility in a manner that requires the tenants of the facility to vacate the facility in order to turn the facility into residential housing offered at a market rate; and
 - c. "Residential tenant" means a residential tenant who has a lease or other agreement to live in a facility and who is fifty-five (55) years of age or older.
- B. A landlord shall provide sixty (60) days' notice of termination of tenancy for the purpose of eviction of a residential tenant of a facility if:
 - a. The tenant has paid the tenant's rent due and is not in arrears on rent payments; and
 - b. The termination and eviction are to allow for new property development.
- C. This section does not abrogate a landlord's right to terminate a tenancy pursuant to other provisions in state law.
- D. This section shall apply to agreements entered into, amended, or renewed on or after July 1, 2023.

Section 2: This ordinance shall take effect from and after its passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Analysis

This ordinance amends Chapter 11.22 of the Metropolitan Code of Laws to require landlords to provide to certain older persons sixty-days' notice of termination of tenancy for purposes of eviction to make way for new property development.

In April of this year, the Tennessee General Assembly adopted legislation, known as the "Norma Jean Upshaw Act," to provide notice to certain tenants at least 60 days prior to the termination of the tenancy. Pursuant to this law, a landlord must provide 60 days' notice of the termination of a tenancy for the purpose of eviction of a residential tenant of a facility if (1) the tenant has paid all due rent and is not in arrears on rent payment and (2) the termination and eviction are to allow for a new property development. Under the Act, a facility is defined as a facility that provides housing for older persons. "New property development" is defined as (1) razing a facility for the purposes of using the property for purposes other than housing for older persons or (2) renovating a facility in a manner that requires tenants to vacate the facility in order to turn the facility into residential housing offered at a market rate. The state law is set to take effect July 1, 2023.

The ordinance under consideration simply mirrors the state law in the Metropolitan Code. The Metropolitan Government has no authority to enforce this provision on its own. Davidson County is subject to the Tennessee Uniform Residential Landlord and Tenant Act ("URLTA"), which regulates the relationships of landlords and tenants. URLTA preempts the entire field of legislation concerning the regulation of landlords and tenants, which prohibits Metro from adopting any laws that conflict with or are in addition to the state law. Tenn. Code Ann. § 66-28-102.